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THE SOLICITORS' JOURNAL.

LONDON, JULY 25, 1857.

SCHEMES OF LAND TRANSFER.

If nothing is done in the matter of registration, it will not be the fault of the legal members of either House. Besides the large suggestions contained in the Report of the Commission, there are already three Bills before Parliament on the subject, and the Attorney-General is expected shortly to produce another. It is needless to say that these projects are not intended to be pressed to any conclusion during the present session, and are merely designed to supply materials by means of which the scheme ultimately to be adopted may be put into a working shape. No great legal reform was ever satisfactorily carried out until the subject had been well ventilated in the profession, by the circulation of what may be called experimental Bills. Registration is the very last thing that should be settled in a hurry; and we believe that the many vexed questions connected with it will have a better chance of being solved in such a manner as to meet the views of the profession, and provide for the interests of the public, by the course which has been taken, than if an immature measure had been hastily forced upon the attention of Parliament. At a future time we hope to consider, in some detail, the plans brought forward by Lord St. Leonards, the Lord Chancellor, and Lord Brougham. For the present, it will be sufficient to indicate the broad principles on which they proceed, and to call attention to the points which most need the consideration of the profession.

Of all living men, Lord St. Leonards has the strongest right to speak with authority on the laws relating to the transfer and tenure of land. But the person who knows best all the intricacies of existing law is not of necessity the safest guide in pointing out the course which legislation ought to take. The steady conservatism of Lord St. Leonards might have led any one to expect that his Bill for facilitating the transfer of real property would not be a very sweeping measure; but we were not quite prepared to hear a Bill for such a purpose introduced by a speech the whole pith and substance of which was an argument to show that facility of transfer was either unattainable or undesirable.

Lord St. Leonards urged against the scheme of the Commissioners an objection which is, no doubt, deserving of the most careful consideration, and is, indeed, one of the great difficulties in the way of the project. All frank advocates of a title registry readily admit that it would expose land to some of those dangers arising from the misfeasance of trustees, which are now confined to settlements of stock; and the question they have suggested is, whether the increased security against latent defects of title would not more than compensate for the new risk. But Lord St. Leonards scouted the idea of making the limitations of a settle-

ment of land matters of personal trust, and rather curiously suggested another mode of saving the trouble of investigating titles, which involves a still larger dependence on personal care and integrity. Let a purchaser be content, without further inquiry, with the title on which his vendor bought, and we agree with Lord St. Leonards that conveyancing would be wonderfully simplified; but certainly the risk run by such a course would be, at least, as formidable as any that the scheme of the Commission would introduce. Lord St. Leonards said, indeed, that he had lately sold land on the understanding that the purchaser was to be content with the old abstracts, but we should have felt more confidence in his recommendation of this course, if the learned Lord had been the purchaser, instead of the vendor. It is one thing to sell without a title, and a very different thing to buy.

The Chancellor's Bill, though not a very extensive measure, attempts, for a limited purpose, to grapple with one of the chief practical difficulties that have stood in the way of all registration schemes. People have no great objection to settlements and purchases, and dealings of that character, being made, to a certain extent, public; but there is a good deal of sensitiveness not unnaturally felt about disclosing mortgage transactions. Lord Cranworth's proposal would draw away the veil from all private dealings of this kind. As a test of the extent to which the objection to the public registration of charges prevails with landowners, the Bill may be useful; but our own impression is, that the objects contemplated by it are not of sufficient importance to outweigh the reasons or the prejudices against such publicity.

It might, perhaps, be worth while, as part of a really comprehensive scheme, to give up some of the facilities of effecting private loans which are now enjoyed, though it would not be absolutely necessary, and possibly not desirable, to make this an essential condition of any registration Bill. But, we confess, we do not see in Lord Cranworth's project anything like an equivalent for the inconvenience which such publicity would cause.

Lord Brougham's Bill will probably have the effect which it was designed to produce—namely, to stimulate the movements of the Attorney-General by the appearance of a rival in the field. It is not, however, of much consequence whether the Government Bill be printed a few days sooner or later, provided it is put into circulation before Parliament is prorogued. Certainly it would be much to be regretted if by any lack of care or thought, it should not adequately embody the ideas of the Commission.

The Bill which was printed in connection with the Report has rather tended, by its crudeness in some particulars, to throw doubts on the practicability of the Commissioners' recommendations; and it is to be hoped that the measure to be turned out by the Attorney-General will be drawn with the deliberation that the importance of the subject deserves, and will set at rest the question whether it is or is not possible to put the views of the Commissioners into a working form.

BILLS NOT ACTS.

The statutory provision aimed against the procurement of a desired object by fraudulent pretences, has been recently proved in our courts of law to be susceptible of so many ambiguities, and to present such a fertile text for the ingenuity of lawyers, that we are encouraged to frame under it an indictment against the Lord High Chancellor himself. We certainly never came across a more patent fraud than that under cover of which he has succeeded in passing through the House of Lords a detached portion of the work of the Statute Law Commission, which was pompously announced as completed

by the Report of that body, to which we drew the attention of our readers a few weeks ago, but which we certainly did not then anticipate would be pressed on in its present isolated and imperfect state. These Bills—there are eight in all—regulate, among other important branches of the criminal law, those which have reference to offences against the person and against property by larceny or malicious injury. And, on their being laid upon the table of the House two or three weeks ago, they were received with that absolute indifference which there attends, not inappropriately, on measures for which present consideration is not claimed. It was understood, universally we think, certainly by those whose opinion as to the details of the Bills is most worth having (such men, for example, as Lord Campbell), that these measures were then introduced in order to supply to their Lordships no uninteresting food for study and meditation during the recess. Great, therefore, was the consternation of the Lord Chief Justice to hear them last week proposed for a second reading. But little availed his remonstrances. Lord Wensleydale considered it “expedient that the Bills do pass.” If they were rejected—nay, if they were even discussed—his Lordship rather naively intimated, he should despair of any efforts of the Statute Law Commission proving successful. And here occurred, on the part of the Lord Chancellor, abetted, we grieve to say, by Lord Granville, that misrepresentation against which we wish to record our protest. They actually had the hardihood to assert that the Bills merely consolidated existing Acts or parts of Acts, into so many single statutes, without materially interfering with the present law. This sop soothed even Lord Derby. Not ill-pleased, we may presume, to be spared the discussion of the details of arson, &c., in the dog-days, he reposed, and his brother peers reposed with him, in absolute reliance upon ministerial veracity. “If that be the case,” yawned he, “no more need be said; we accept these Bills as Consolidation Bills, and in that character only.”

Now, our readers shall judge for themselves if these Bills are of the alleged description; and to enable them to do so, we will take one or two of the group, and give such an account of their contents as shall be sufficient to make good our charge. We will begin with that as to “Offences against the person;” and it appears that in consolidating the existing statutory provisions on this subject (contained in sixteen Acts of Parliament), this Bill, among other alterations of the law, either creates altogether or newly regulates the following offences:—1. The delivery of poison to B., with directions to administer it to C. 2. The unsuccessful attempt to discharge a loaded gun. 3. The neglect of children (followed by injury to the health) by those liable to their support. 4. Garrotte robbery. 5. The ill-treatment of women and children. 6. The abduction of females who have no property. 7. The attempt by a pregnant woman to obtain her own abortion. 8. The concealment of birth by others besides the mother. Next, as to the “Malicious injuries to property Bill.” Here we observe alterations of the existing law as to firing buildings; as to injuries committed by part owners of the property injured; as to injuring reservoirs, and we know not what besides. Then we have the “Larceny Bill.” Is it a consolidation merely, to make it, for the first time, a felony simply to enter a dwelling-house in the night with intent to commit any felony—the existing law being, that there must also be a burglarious breaking. Nay, is it even an amendment, to insert in a larceny bill a clause which includes an entry with intent to ravish or to commit arson? Again, the Bill contains a provision against embezzlement by clerks and servants similar to the 47th section of 7 & 8 Geo. 4, c. 29; but with this material difference, that, whereas by that Act the property embezzled must have been received in virtue of

the clerk's or servant's employment, it is now proposed to make that circumstance immaterial.

We think, then, without going into the subject more in detail, it will be conceded, that to call this batch of Bills “Consolidation Acts” merely, is a flagrant misnomer. The alterations in the law therein proposed, are very probably judicious ones; but they are such as peculiarly require the opinions of many practical men. On almost all of them every magistrate ought to have his say; and, we doubt not, many a member of the Upper House, conscientiously desirous of performing his duty as a justice of the peace, and well qualified by experience, would have taken an active and useful part in the debate, had his vigilance not been hoodwinked, as above described. And, had this course been taken, we do most entirely believe that these Bills—which, it appears by the last Report of the Statute Law Commission, were originally drafted by five nameless gentlemen, and afterwards dealt with by Lord Wensleydale, as the only representative of the Peers—would have come down to the Lower House in a condition more likely to pass with success the fiery ordeal to which, under ordinary circumstances, they would be there subjected. We say “under ordinary circumstances,” and we use the expression advisedly; for it is just possible that a *coup d'état* is intended with regard to these measures, for which it shall not be our fault if the public are unprepared. It is a very great object with the Statute Law Commissioners, and those who look upon their proceedings with a favourable eye, to have something done. Unmistakeable murmurs have reached their ears. Indelicate allusions have been freely made to Mr. Ker's salary. Malapert reformers speak of the labours of the Commission with a prolonged whistle. It would, therefore, be most gratifying to more than one person in high station, if by any tactics it could be accomplished, that the parliamentary lawyers now scattered through the country should, in October, on examining their copy of the statutes of the year, find these Acts amongst them. How many a statute is discovered in this annual volume of which during its progress to vitality few in the House, and no one out of it, ever heard—how many inconsistent, foolish, hasty Acts are showed through the necessary stages by their respective promoters during the last few weeks of a session, when members, the press, and the public are alike sick of the whole affair—those only can tell whose duty it is to piece together disjointed provisions, and attempt to explain inexplicable legislation. Was this the true reason why Bills which, by the Report already mentioned, seem to have been substantially prepared two years ago, were only initiated at this period of the session? Had they been introduced at its commencement, their framers, we are disposed to imagine, feared their fate in a select committee. Did some Machiavel suggest, that if they were, under the guise of Consolidation Acts, passed through the Lords so late in the session that the lawyers in the Commons were all dispersed on circuit, there was a reasonable hope of their being accepted without discussion there also? We trust not; and we believe the real grievance is, that the sanction of the Peers has been craftily obtained for future use without their understanding what they were doing. If, however, it should be otherwise, the publicity produced by discussion will tend to frustrate the scheme. And in order to promote this as far as we are able, we brave the risk of the stereotyped sneer of all detected conspirators—“Did you think we were in earnest?”

Legal News.

The Probates Bill was further discussed in committee on Monday night, and it was decided that the district courts should have power to grant probate and admi-

nistration without limit of amount or reference to the nature of the property of the deceased. The Attorney-General proposed his clause, requiring metropolitan probate for funded property, stock of the Bank of England or of the East India Company, or shares in any railway or other company having its principal office within the metropolitan district. But so strong an opposition was manifested to this proposal, that its author withdrew it without going to a division; and Sir F. Kelly's clause, which was to the same effect so far as regarded stock transferable at the Bank of England or the East India House, was also negatived. Thus only one difficulty remains in the House of Commons—the adjustment of the claims of the proctors and officers to compensation. Upon this point Sir James Graham offered valuable advice. He recommended the House to pass the Bill in the form which it believed to be most conducive to the public interest; and if the change operated detrimentally to the proctors, let their claims be dealt with in a just and liberal spirit. Lord John Russell gave counsel nearly to the same effect; and it is to be hoped that these two great authorities will have weight with that side of the House on which they sit, and where the most formidable opponents to compensation are likely to be found. The measure is to be further proceeded with on Thursday next; but in the opinion of the Attorney-General it has now undergone changes which place it in imminent peril in the House of Commons, and probably will destroy it in the House of Lords. Without adopting this despairing tone, which appears, in spite of the speaker's disavowal, to have been intended to influence the committee in favour of the rejected clause, we cannot but feel that the prospect of passing a Testamentary Jurisdiction Bill in the present session is by no means so promising as we could desire. Just at this time, too, the Government has begun to move with the Divorce Bill, and it certainly does seem, that, although there may be time to pass one of these measures, yet that simultaneous activity in both is likely to produce a negative result. Much will depend upon the character of the next Indian news, which may possibly be such as effectually to divert Parliament from the subjects which concern this Journal.

Sir James Graham avowed, on Monday night, that he was, and still is, of opinion that the same tribunal which grants probate ought also to construe the instrument, and that that tribunal ought to be the Court of Chancery. In the Commission he voted with the Attorney-General and the Master of the Rolls in support of this view, which was overruled by the majority of the Commissioners. Sir James added, that the very name of the Court of Chancery so appalled the public and the House, that it would have been impossible to give effect to his proposition. It is vain for Chancery practitioners to disguise from themselves the existence of this undefined and unreasonable apprehension of the Court. We have very recently pointed out abuses and delays in practice, which can be, and ought to be, promptly remedied; and it is to be hoped that the evident unpopularity of the Court may quicken its authorities in introducing the improvements so much desired by practitioners.

The Attorney-General declared, in the same debate, that his own opinion was in favour of a completely central system of probate, which certainly he could never have entertained the smallest reasonable hope of carrying. He would have made the district offices simply receiving houses, which should forward all testamentary papers to the metropolitan registrar for examination. We may judge, from what has happened to the pending measure, how a Bill for turning the Courts of York and Chester into mere letter-boxes is likely to have been treated by the House of Commons.

Lord Campbell has called attention to the case of *Miller v. Salomons*, still pending in the House of

Lords, on appeal from a judgment of the Exchequer Chamber delivered in 1853. The oblivion into which this once-celebrated cause had fallen, can only be accounted for on the supposition of an understanding between the parties to it, much better than usually subsists between plaintiff and defendant. Lord Campbell reminds us that this was an action brought for penalties for sitting and voting in the House of Commons, and was intended to try the question whether the words "on the true faith of a Christian" could be legally omitted from the oath so as to allow Jews to take it. This question was decided in the negative, in the Exchequer, by a majority of three judges to one, and the judgment was unanimously affirmed on appeal in the Exchequer Chamber. Lord Campbell himself presided on that occasion, and he now states distinctly that his view of the law remains unchanged, and that he is prepared to act upon it judicially, if called upon, even at the risk of placing himself in conflict with the House of Commons. Lord Campbell also took pains to explain the exact bearing of the case of *Mr. Pease*, which has been so often referred to as affording a precedent for the attempt to seat Baron Rothschild by resolution. Quakers, he says, are absolved by statute from the necessity of swearing, and are allowed to affirm; and, therefore, the proceedings in *Mr. Pease's* case were according to law. There was no attempt to alter the law by a resolution of the House of Commons; but in the present instance, the course proposed has been adjudged to be contrary to law.

Lord Brougham made a speech on Thursday evening on the bankruptcy law, and concluded it by bringing in a Bill to which, it is needless to say, the Lord Chancellor promised his best attention, adding the satisfactory assurance that the whole subject is under the consideration of the Government. It will be remembered that in the month of January a Mercantile Law Conference was held, under the auspices of the Law Amendment Society, at which the evils of the existing system of bankruptcy were very fully stated and discussed, and resolutions were adopted calling for such amendments as were deemed expedient. A deputation from the Conference waited on Lord Palmerston, and at its head was Lord Brougham, who delivered a speech almost identical in purport with that which he has just addressed to the House of Lords. The Premier's answer, too, was exactly to the same effect as that now given by Lord Cranworth. He was very complimentary to Lord Brougham, and, indeed, to the Conference in general; and he promised to their representations "the greatest possible attention" on the part of Government. Now, we are far from saying that it was to be expected that the recommendations of the Conference would be carried into practical effect during the six months following its meeting. We could, indeed, have predicted with tolerable accuracy what has occurred. Whatever hopes may have been raised by the proceedings at Willis's Rooms, they could scarcely have survived, except in very sanguine minds, the courteous reception and official blandishments administered by Lord Palmerston.

SIMPLIFICATION OF TITLE.

(From the Times).

There are at present several Bills before Parliament for the improvement of the law of real property, and yet the prospect of any simplification in the system of titles appears as remote as ever. "Who shall decide," says the proverb, "when doctors disagree?" Who, that is to say, is to arrive at a practical decision, and to carry it into effect? The patient himself has little difficulty in deciding that his disease is curable, and that some definite treatment ought to be adopted; but during the conflict of medical authorities he finds himself absolutely helpless. Yet it is said that every man in middle life must be either a fool or a physician, and there are certain well-known remedies within the reach of the most ignorant invalid. But

landed property is a more delicate subject for experiment than the human body. The theory of conveyancing is a mystery known only to lawyers; and until they are willing to apply their knowledge to the improvement of the system, the unlearned many will look in vain for any prospect of relief.

The law lords constitute the most astute, the most busy, and the most vivacious section of the whole community; and, unluckily, they are also the most pugnacious of mankind.

"Age cannot wither them, nor custom stale
Their infinite variety."

But their energies are perpetually wasted in warfare with each other. As often as two of them rise in succession to speak on any question, the House of Lords instinctively prepares itself for an animated controversy. The victory in all such cases necessarily remains with the opponent of any proposed course of action. Lord St. Leonards can defeat any Bill of Lord Brougham's, while his own measures are at the mercy of the Lord Chancellor and the Lord Chief Justice. It seldom happens that the great legal authorities agree on the object which is to be desired, and they never concur in the methods suggested for attaining it. The Attorney-General is in the meantime generally pursuing in the House of Commons some course especially his own.

Those who possess, and those who desire to possess, landed property complain that they can neither sell nor buy with economy, and that they cannot even hold their estates with certainty. Now the *ad valorem* stamp duty for transfers of land and of personality is precisely the same. The documents which are necessary to convey real property are neither complicated nor expensive, for the freehold of half a county may be conveyed away on a page of letter paper. The doubtfulness of titles, and the consequent difficulty of investigating them, are the sole causes of the enormous cost of transfers, as well as of the anxiety which oppresses many apparent owners of prosperous estates. Lord Brougham wasted his time some years since in an abortive and useless attempt to shorten conveyances. The records of title must be adapted to the circumstances which they recite. The complicated relations of a settled and incumbered estate cannot be expressed in a sentence; and the length of deeds, even when it is excessive, is but a secondary evil. It may be true that the rights of purchaser and of lender are seldom defeated by concealed mortgages, of which there has been implied notice; but the possibility of the risk is in itself a substantial evil, inasmuch as it is necessary to guard against it by elaborate inquiries and precautions. The danger of an insufficient title is far more common and alarming. A claim arising on the expiration of a life estate is sometimes prosecuted with effect, notwithstanding half a century of undisputed possession. It is also notorious that a safe holding title by no means necessarily involves a practical power of sale. Judicious proprietors shrink from all unnecessary exhibition of even the most faultless title-deeds.

A part of the inconvenience is, as Lord St. Leonards suggests, inseparable from the existing law of landed property in England. It is impossible to pass from hand to hand the title to a specific plot of ground, and at the same time to enable the owner to tie it up for twenty-one years after the expiration of any number of estates granted for lives in being at the time of the settlement. It is true that stocks or shares may be subjected to precisely the same limitations, and that the full powers of entail allowed by law are often exercised in the case of personality; but it is only in the ownership of land that identity of subject-matter is esteemed of primary importance. If a hundred pounds' worth of Consols is missing, the trustee can make the default good by paying the value of the stock; but Whiteacre and Blackacre have an individuality of their own, which is thought to admit of no compensating equivalent. A farm may be settled on half-a-dozen existing reversioners in succession, with remainder to as many unborn grandchildren of the original owner; and it is necessary that at the expiration of all the contingencies provided for by the settlor the same farm shall be forthcoming for the benefit of the person ultimately entitled. A purchaser who inadvertently accepts a conveyance from any one of the intermediate holders will find himself helplessly defrauded. Every limitation which is permitted by the law involves a possibility of a flaw in the title, and skilful practitioners must necessarily be employed to stop up every possible gap.

Much may be said in favour of a more modest claim of interference with future generations. The right of disposal allowed to settlors and testators is not indispensable either to their own consciousness of ownership or to the reasonable security of families, but landed proprietors are scarcely prepared

for a restriction of their present powers. It is important to distinguish between the unavoidable inconveniences of the actual law and the additional uncertainties which are created by a defective legal machinery. Lord St. Leonards is justified in asserting that titles to land must necessarily be complicated; but it is not to be inferred that the difficulty should be aggravated by secrecy. Registration in foreign countries may be simpler and easier, but it is nowhere so necessary as in England. The longer and more confused the history, the more necessary it becomes to record it with accuracy. When the land of a proprietor is compulsorily distributed among his children, it would be comparatively safe to dispense with the registration of a notorious and inevitable transaction; but no memory can retain, and no sagacity can divine, the adventures of a property deliberately cut up into half-a-dozen particular estates before it arrives at an owner in fee. Under the most perfect system of registration it will be necessary for conveyancers to examine the effect of all previous dealings with the property; but the materials for the investigation ought to be collected and arranged in a public office, and not scattered at random in attorneys' offices, in muniment-rooms, and in miscellaneous repositories.

Lord St. Leonards holds that registration is impossible and undesirable. Lord Campbell declares that it is practicable and necessary. Common sense will adopt the more sanguine view, although professional skill is required in contriving an effective system. No other proposed reform in the law suffers so much from procrastination; for the main difficulty consists in beginning, and the process will become easier with every successive year. Landowners are in many cases unwilling to produce their existing titles; but they may fairly be compelled to place on record all future dealings with their property. The history of an estate for five years will convey some information to a purchaser; and when the registration has been in force for twenty years, nine-tenths of all the doubts affecting title will be at an end. A much shorter time will eradicate all the prejudices which proprietors may at present entertain against the system. The value of their possessions will be enhanced by a large calculable percentage, and their peace of mind increased to an extent which admits of no calculation. If the law lords and the law officers could be induced to work together for a single session, the numerous difficulties of detail which beset an evidently practicable enterprise might assuredly be overcome. The good sense which would be displayed by concert and mutual toleration would, perhaps, constitute as effectual a claim to public esteem as the ingenuity which is exercised in perpetual squabbles and in reciprocal criticism. The great dignitaries of the law have long since satisfied the world of their cleverness. Their ambition might now be more effectually gratified by establishing a reputation for wisdom.

HOME CIRCUIT.—LEWES, July 22.

(Before Mr. Justice WILLES and a Special Jury.)

Woods v. May.

This was an action of slander, the allegation in the declaration being that the defendant had maliciously and falsely charged the plaintiff with having committed wilful and corrupt perjury.

The defendant pleaded a justification.

Mr. Bovill, Q.C., and Mr. Hawkins, were counsel for the plaintiff; Serjeant Shee and Mr. Prentice were for the defendant.

The plaintiff and the defendant are both attorneys, the former practising in partnership at Brighton, and the latter at Brighton and in London. In the year 1855, Roberts, who carried on the business of a horse-dealer and riding-master at Brighton, and had two establishments in the town, was desirous to dispose of one of them; and Charles Pool, at that time a cattle-dealer at Ringmer, near Lewes, agreed to purchase one of Roberts's establishments, at the price of £1,000 for stock and goodwill, but upon the understanding that only £100 was to pass in money, and that the remaining £900 was to be secured by a bill of sale of the stock, furniture, &c. The present plaintiff, Mr. Woods, acted as the attorney for both parties, and he prepared a deed in conformity with the arrangement between Pool and Roberts, and this deed was executed by the former in the month of June, 1855. Through some neglect in the office of the plaintiff, the deed was not registered in due course, and this led to the whole of the subsequent litigation, and was also the cause of the present action. In order to cure the defect in not registering the deed in time, it became necessary that it should be re-executed, and on the 3rd of October,

1855, the plaintiff, Mr. Woods, made an affidavit that on the previous evening Pool had re-executed the deed, and upon this affidavit the deed was registered. In October in the following year, Roberts seized the whole property under this deed, and next day Pool proceeded to London and made a declaration of insolvency, evidently with the object of preventing Roberts from taking the whole of the property to the exclusion of the other creditors; and Mr. May, the defendant, was appointed the solicitor to the assignees. Mr. Woods, the plaintiff, in the course of the proceedings in the Bankruptcy Court, was called as a witness; and he swore that between 7 and 8 o'clock in the evening of the 2nd of October, he went to the private residence of Mr. Pool, in Norfolk-square, Brighton, and that he was asked into the parlour, and there saw Mr. Pool, and that he at that time re-executed the deed in question by writing with a dry pen over the former signature, and that he himself did the same to his own signature, as the attesting witness. Pool himself subsequently underwent an examination in the Court of Bankruptcy, when he positively contradicted the statement made by Mr. Woods, and, as the result, Pool obtained a first-class certificate, and the Commissioner made an order that Mr. May should bring an action against Roberts on behalf of the assignees of Pool, to recover back the money he had obtained under the deed by the sale of Pool's property. An action was subsequently commenced against Roberts, but he declined to contest the validity of the deed, and handed over the proceeds of the property to be divided among the general creditors. The defendant had sent a report of the proceedings in bankruptcy, and in which there was an allegation that Mr. Woods had made a false statement with reference to the alleged re-execution of the deed on the 2nd of October, to the *Brighton Herald* newspaper, which reports was inserted; and the defendant had distinctly stated to Mr. Faithful, a solicitor at Brighton, and other persons, that Mr. Woods, in the evidence he gave before the Commissioner in Bankruptcy, had been guilty of wilful perjury, and was liable to be transported.

Mr. A. W. Woods, the plaintiff, said that upon finding the registration had not been performed in conformity with the statute, he repeatedly applied to Pool to come to his office to re-execute the deed; and upon finding that he did not do so, he went between 7 and 8 o'clock in the evening of the 2nd of October, 1855, to his house in Norfolk-square, accompanied by his clerk, Mr. Dempster. He was told that Pool was at home, and he went into the parlour, leaving Mr. Dempster outside, and he produced the deed, and Pool wrote with a dry pen over his old signature, and delivered the instrument as his act and deed in the usual formal manner. He said that he at once proceeded to his office and drew up an affidavit stating the circumstances under which the deed had been re-executed, and this was engrossed by his clerk, and sworn by him next day, and the deed was finally registered on the 9th of October.

On cross-examination, Mr. Woods said that Roberts had threatened to bring an action against him to recover the balance of his debt on account of his negligence in not originally registering the deed in proper time. It was his own opinion that the deed was perfectly valid; and Mr. Roberts acted against his advice in not defending the action brought against him by the assignees to set it aside. The plaintiff likewise said that on the evening to which he referred the door was opened by a female servant; and he had made inquiries in all directions to discover her and bring her forward as a witness, but he had been unable to do so.

Mr. Dempster, the gentleman referred to by the plaintiff as having accompanied him to Pool's house on the evening of the 2nd of October, was then examined; and he stated that he remained outside while Mr. Woods went in, and that when he came out he distinctly saw Pool accompany him to the door and remain talking to him a short time; and that Mr. Woods, when he returned, told him that Pool had re-executed the deed, and on the same evening he engrossed the affidavit that had been drawn up by Mr. Woods.

Mr. G. Faithful, solicitor, of Brighton, proved the conversation he had with the defendant, and that he said in reference to the proceedings that had taken place in the Court of Bankruptcy—"The fact is, Woods perjured himself."

For the defendant, Mr. C. Pool was called; and he stated that he had never executed any other deed than the one that was placed before him for that purpose in the month of June, 1855; and with regard to what was represented to have occurred on the evening of the 2nd of October, he swore positively that nothing of the sort took place. He said, that what was called the small sheep fair at Lewes was held on that day, which he had not missed attending for twenty years,

and he left his house at Brighton about 1 o'clock, and rode on horseback to Lewes, and remained there till the evening, when he met a relative named Payne, who invited him to Ringmer, and they went there in a fly and passed the evening with Payne and other persons at the Anchor public-house, and he slept at Payne's, and did not return to Brighton until 8 o'clock on the following morning. He also stated, that, on the 2nd of October, his house in Norfolk-square was occupied by lodgers, and he was himself living at Roberts's, and it was, therefore, impossible that he could have executed the deed in his parlour under the circumstances stated by the plaintiff.

This witness said there was another sheep fair at Lewes, on the 21st of September, but he was sure the occurrences he had spoken to took place on the 2nd of October. He had no business to transact at the fair, and he did not make a bargain of any kind; and he was unable to give the name of any person who saw him in the fair on the 2nd of October. He sent for a fly to convey him to Ringmer, but he did not know where it came from or who was the driver.

Miss Ellen Pool, the sister of the last witness, stated that on the 2nd of October, 1855, the lower part of the house in Norfolk-square was occupied by lodgers, and that she remembered her brother going to the sheep fair at Lewes, and did not recollect seeing him any part of the day; and she also said that no one could have come to the house between 7 and 8 in the evening of the 2nd of October without her knowing it, and she was sure no one did come.

Several other witnesses were called, who spoke to seeing Pool at Ringmer on a certain evening about the month of October, but, on cross-examination, they were unable to speak with any certainty as to the particular day.

The jury, after a very short deliberation, returned a verdict for the plaintiff—Damages, £750.

LIMITED LIABILITY IN BANKING.

(From the Times.)

Great alarm is expressed by many persons at that clause of the new Banking Bill which proposes to allow any number of persons beyond six to associate as a company for banking purposes. No importance seems to be attached to the fact that it is not proposed that the law shall compel any one to trust them. It is said "they will enjoy all the status in society and all the advantages which a joint-stock bank enjoys." But a joint-stock bank enjoys no particular status, except such as it derives from its capital and proprietary. If seven unknown men, with £350 paid up, choose to invite the deposits of the public, are we to believe the public so incapable of resisting the invitation that we must make a special law to restrain them? If so, why not make laws to prohibit them from every other imprudence to which, in the exercise of their free will, they may be liable? The belief is that the public, on the whole, ought, with the assistance of the Criminal Courts, to be able to take care of themselves; and that, at all events, if they are defective in this power, they are not likely to acquire it by never being allowed to try. It would be at least but fair that the experiment should be made. A year's trial can scarcely yield us a combination of cases worse than those of the Tipperary, the London and Eastern, and the Royal British Banks; and if the Government still find that we are unfit to be out of leading-strings, they can then return to the protective method, which in the space of little more than twelve months presented us with these specimens of its utility.

A CASE FOR THE NEW DIVORCE COURT.—Matthias Wood, a respectable-looking man, was charged with bigamy, in marrying Susan Allen, on Sept. 30, 1841, his former wife, Phoebe Wood, being still alive. So far back as 1833 the prisoner was married to Phoebe Drinkwater, at Grinstead, Northamptonshire. Soon after the marriage the prisoner left his wife and came to reside at Upton-upon-Severn, and in Sept. 1841, he was married at Tewkesbury to Susan Allen, with whom he had lived up to the present time, and by whom he had had seven children. He had maintained a character at Upton as a good husband, a good father, and a good neighbour, for the last sixteen years. The first wife was living at Bedford, and the prosecution was instituted by her. The jury convicted the prisoner. When taken into custody the prisoner stated that he had left his first wife because she was in the habit of going with other men, and that he believed she was now living with a policeman. Mr. Baron Martin said, that, in these cases, he always wished to get at the real facts, and to know who the real prosecutor was; and, having taken time to make inquiries, he ultimately sentenced the prisoner to two months' imprisonment.

CIRCUMSTANTIAL EVIDENCE.—Dr. Fletcher, minister of Finsbury Chapel, London, narrates the following in regard to the case of Eliza Fenning, referred to by the Dean of Faculty, in his defence of Miss Madeleine Smith:—"A considerable number of years ago I was sent to visit, on a Sabbath-day, Eliza Fenning, in prison, who was sentenced to be executed on the following Monday, in the front of Newgate, and who was found afterwards—alas! though too late—innocent of the crime. She was executed for a deed she never committed. In company with the Ordinary of Newgate, I conversed and prayed with her. She was dressed in white—an emblem of her innocence. In the same garments she suffered death as a criminal on the following day. I had no opportunity of judging as to her innocence. The expression of her countenance will never be erased from my remembrance. It is literally stereotyped upon my heart. From what was communicated to me some years after the fatal and melancholy event, I can now explain the expression of her countenance. It was the demonstration of injured innocence! When the event of her execution was almost forgotten, a baker, dying in a workhouse in the vicinity of London, said to the matron of the ward, or some other individual, to the following effect:—"My mind is heavily burdened. I cannot die until I make the following communication:—Eliza Fenning died innocent of the crime for which she suffered. I am the murderer of her mistress. I put the poison into the morsel which effected her death." On the trial, the jury concluded it must have been the cook who had administered the poison, as they had not the slightest clue to suspect the baker. Yesterday, in the vestry of my own chapel, one of my elders stated to me that the baker was a relative of the deceased. There is no doubt that he accomplished his murderous purpose to gratify some long-cherished passion of revenge for an offence given him, real or imaginary, by the fated victim of his malevolence. Better that a hundred murderers should escape, than that one innocent person should perish by 'circumstantial evidence.'"—*Times*.

CANVASSING.—The best defence of canvassing—and, indeed, the only kind of defence that can be made for much of the old wild electioneering—is, that canvassing has, and the wild practices had, a tendency to keep up friendly, pleasant, and personal relations between classes. Reduce everything to a matter of business and calculation, and half the old English element in life is swept away. It was "our old good humour," as Clarendon calls it, which made our elections so many Saturnalia in former days, which made the old gentry popular where your modern millionaire is only feared, and which, if once it die out, can never be supplied. A man cannot scour his county on a hunter to canvass without seeing more of the people, and being brought into closer relations with them, than he well could be in other ways. The excesses of the old elections are to be avoided; but why should everything be swept away? Abolish personal canvassing altogether, and the solemn prig stands as good a chance as the hearty and frank man, not to mention that the gentlemen of the kingdom lose the advantage which a personal intercourse with the people will always give them over rivals.—*Quarterly Review*.

AN ELECTIONEERING INCIDENT OF 1751.—It appears from the journals of the 10th of May, says the *Parliamentary History*, that one Thomas Long, gentleman, was returned for the borough of Westbury, in the county of Wilts, who, being found to be a very simple man, and not fit to serve in that place, was questioned how he came to be elected. The poor man immediately confessed to the House that he gave to Anthony Garland, mayor of the said town of Westbury, and one Watts, of the same, £4 for his place in Parliament. Upon which, an order was made that the said Garland and Watts should repay unto the said Thomas Long the £4 they had of him. Also, that a fine of £20 be assessed for the Queen's use on the said corporation and inhabitants of Westbury for their scandalous attempt.—*Quarterly Review*.

Recent Decisions in Chancery.

EQUITABLE MORTGAGE—PRIORITY—NOTICE.

Jones v. Williams, 5 W. R. 775; *Roberts v. Croft*, 5 W. R. 778.

These two cases involve two rather novel points in connection with the general doctrine of notice—*Jones v. Williams* being a case where deeds relating to part of an estate were deposited as the title-deeds of the whole; and *Roberts v. Croft* one where

part of the title-deeds, not including those by which the property was conveyed to the depositor, were deposited. In the former case the deposit was held not to have created a good equitable mortgage over the property which was not included within the parcels of the deeds. In the latter, the deposit of a portion only of the deeds was decided to have constituted a valid equitable mortgage. The facts in *Jones v. Williams* were rather intricate, but all that is material may be shortly stated:—The mortgagors held two adjoining pieces of land under two deeds, one dated in Dec. 1840, the other in Aug. 1843. The first was deposited in 1845 with the mortgagors' bankers, the plaintiffs, to secure an advance. The deed of 1843 was afterwards deposited, in Jan. 1855, with the defendants (Messrs. Williams), who were also bankers, as security for an advance obtained from them. The two pieces of land were used as one manufactory by the mortgagors, and Messrs. Williams were, on this occasion, led to believe that the deed of 1843 related to the whole. Subsequently to this transaction, Messrs. Williams, in Feb. 1855, got a conveyance from the mortgagors, the general words of which were large enough to include the whole premises; but in the course of that transaction circumstances occurred which were held sufficient to fix them with constructive notice of Jones's deposit. In order, therefore, to establish their defence of purchasers for value without notice, it was necessary to show that the deposit in Jan. 1855 was in effect a mortgage of the property comprised in the deed of 1840. If that point could have been made out, Messrs. Williams, who had got in the legal estate, and who, as was admitted, had no notice except what the deposited documents supplied, would have been in a position to rely on the defence of purchasers without notice. The argument was, that, as the deed of 1843 did relate to the premises occupied by the mortgagors, and was represented by them as including the whole, the previous deposit with Messrs. Jones being at the same time suppressed, Messrs. Williams thereby acquired the rights of equitable mortgagees over the whole property which was described as comprised in their security. The Master of the Rolls, however, held, that, although there would be a right to compel the mortgagors in such a case to make good their representations, it would be going farther than had ever been done to hold that such a right actually created an equitable charge on the land. His Honour accordingly held, that, so far as this transaction was concerned, it did not make the defendants mortgagees over that portion of the property which was affected by the plaintiffs' charge, and that the subsequent acquisition of the legal estate did not give the defendants priority. The other part of the case was simply a decision on the evidence that the additional security afterwards obtained was obtained with constructive notice of the plaintiffs' claim, and, therefore, did not better the defendants' position.

In the other case (*Roberts v. Croft*), the depositor was the owner in fee of certain property, the title to which depended on a long series of deeds, commencing with 1768. Some of the earlier deeds were in duplicate; and one copy of the same, and the whole of the other deeds, down to 1826, were deposited, as the title-deeds of the estate, with a Miss Willes, by way of equitable mortgage. The deposited deeds, however, showed no title in the depositor, but merely brought it down to the persons from whom he had purchased. No inquiry was made on this point, and the mortgagor afterwards deposited two deeds, of 1833 and 1838, together with the duplicates of some of the earlier deeds, with other parties, to secure an advance from them. It appeared that one of the duplicates (that of the deed of 1826) recited all the previous deeds; but no inquiry had been made as to the whereabouts of these documents. Under these circumstances, the second mortgagees claimed priority, on the ground of Miss Willes' negligence in taking, without inquiry, deeds which failed to trace the title down to the depositor. The Master of the Rolls held, that there was no ground for postponing her, and considered that, if he attached any importance to the fact that no title appeared in the mortgagor, it would be necessary, in every case of equitable mortgage, for the Court to go into a regular investigation of title. With respect to the alleged negligence, his Honour said, that there was the same ground for charging negligence on the other parties who had omitted to inquire for the old recited deeds. This decision is calculated to save the Court from much embarrassment; but it is possible that the distinction between deeds showing no apparent title, and deeds showing an imperfect title, may not yet be altogether disposed of.

PRODUCTION OF DOCUMENTS—CO-DEFENDANTS.

Betts v. Menzies, 5 W. R. 767.

There was an attempt in this case to bring correspondence in

relation to the suit between co-defendants within the rule which protects communications between parties and their legal advisers. Until the decision of Lord Cottenham, then Master of the Rolls, in *Curling v. Perring* (2 Myl. & K. 380), there appears to have been no instance in which the protection was ever extended beyond the case of solicitor and client. In *Curling v. Perring*, however, a motion for the production of correspondence (which was referred to in the defendants' answer, and admitted to be in their possession) between the solicitor of the defendants and a person not a party to the suit, was refused, on the ground that the correspondence had taken place after the dispute which was the subject of litigation had arisen, and that it formed no part of the plaintiff's title. "If the right of inspecting documents," said his Lordship, "were carried to the length contended for by the plaintiff, it would be impossible for a defendant to write a letter for the purpose of obtaining information on the subject of the suit, without the liability of having the materials of his defence disclosed to the other party." In *Holmes v. Baddeley* (1 Phill. 476), Lord Lyndhurst, and in *Combe v. The Corporation of London* (1 Y. & C. C. 648), Knight Bruce, then Vice-Chancellor, refused to order the production of cases and opinions which had been prepared and taken in contemplation of litigation, not only in the suit in reference to which the opinions were taken, but in a subsequent suit respecting the same subject-matter, and involving the question to which the cases and opinions related. But these decisions appear to be extreme illustrations of the rule, and are hardly consistent with other reported cases. Professional privilege is the foundation of the rule, though, as we have seen, it has been applied in other instances; but professional privilege, as Lord Truro observed in *Glyn v. Caulfield* (3 Mac. & Gor. 474), is a ground of exemption from production adopted simply from necessity, and ought to extend no further than is absolutely necessary to enable the client to obtain professional advice with safety. Beyond what was absolutely necessary for this purpose, his Lordship considered that it ought not to be allowed to curtail the power of a court of equity to compel discovery. Lord Brougham used similar language in *Greenough v. Gaskill* (1 Myl. & Ke. 98); and in *Goodall v. Little* (1 Sim. N. S. 155), Lord Cranworth, then Vice-Chancellor, held that there was no protection as to letters between the parties themselves, or from a stranger to a party, merely because such letters might have been written in order to enable the person to whom they were sent to communicate them, in professional confidence, to his solicitor. During the argument of the last-mentioned case, an opposite decision, by Lord Cottenham (*Reid v. Langlois*, 1 Mac. & Gor. 627), does not appear to have been cited. In *Reid v. Langlois*, Lord Cottenham expressly held, that correspondence between a defendant and his agent, for the purpose of being communicated by his agent to his legal adviser, was privileged from production. This conflict of decisions arises evidently from a difference of opinion among judges as to the general policy of the rule as to privileged communications; some judges leaning to the opinion that there ought to be no such rule, and others being of a contrary opinion, and believing that even truth may be purchased too dearly, when it is only discoverable at the expense of general convenience (see per Lord Cranworth, when Vice-Chancellor, in *Balguy v. Broadhurst*, 1 Sim. N. S. 112). In *Betts v. Menzies*, Wood, V. C., appears to be indisposed to extend protection from discovery further than the reported decisions expressly warrant, or to apply it in any other cases than those of solicitor and client and witnesses. "No case," said his Honour, "had gone to the length that where two co-defendants corresponded, each being able to communicate with his solicitor, such correspondence was entitled to protection. It was not necessary that one defendant should communicate to another those things which he must disclose to his solicitor; and if he took upon himself to make any such communications, the plaintiff was entitled to extract from the co-defendant everything within his knowledge." In this case, as in *Curling v. Perring*, the production was resisted, upon the grounds that the letters were written after the institution of the suit, or in anticipation thereof, and that they related exclusively to the defence, which appears to bring the documents within the exception pointed out by Lord Cottenham's observations in *Curling v. Perring*, though that case is, no doubt, distinguishable, on account of the fact that there the correspondence was between the solicitor of the party and a witness.

WINDING-UP.—LIST OF CONTRIBUTORIES.

Re The Kilbricken Mines Company (Libri's Case); *Re The Court Grange Mining Company (Sedgwick's Case)*, 5 W. R. 778.

The question which was discussed before, but not decided by,

the full Court of Appeal two months ago, in *Ex parte Harding Re Morland Greig*, has again come before the Court in *Re The Kilbricken Mines Company*—viz. whether or not the chief clerk has jurisdiction to settle the list of contributories under the Winding-up Act? On the one hand, it was argued, that, as (under s. 10 of the 15 & 16 Vict. c. 80) matters arising out of the Winding-up Acts were excepted from the provisions transferring to the chief clerk the business theretofore transacted by the Master, it was obligatory upon the judge himself to settle the list, and that, until he did settle it, there was no compliance with s. 79 of the Winding-up Act, 1848. On the other hand, it was contended, that, the chief clerk having certified, and there having been no appeal made within fourteen days, he must be considered as being invested with the same authority as the Master. The V. C. Wood appeared to have no doubt, that, until the list was signed by the judge himself, it could not be considered as being properly settled, but seemed to be at a loss as to the course to be pursued under such circumstances. In *Ex parte Harding*, the certificate of the chief clerk was not signed by the judge himself, but by the chief clerk only; and Mr. Commissioner Goulburn, therefore refused to admit a claim by the official manager of the British Bank against a person named in the order for a call so signed. But the Court held, that, as the order had the seal of the Court of Chancery affixed, the Commissioner was not at liberty to question it. In that case the Court of Appeal declined to go into any question as to whether or not the chief clerk had any such judicial power as had been exercised by the Master, as their Lordships considered that such a question was not then properly raised upon the proceedings on appeal from the decision of the Commissioner of Bankruptcy. The time has come, however, when the decision of the question cannot be conveniently postponed any longer; as there is, and will continue to be, considerable embarrassment in dealing with winding-up cases in chambers, so long as it is uncertain whether the duty of actually settling the list of contributories, and of making calls, is to be discharged by the judge himself, or by his chief clerk. In *Re The Court Grange Mining Company*, Wood, V. C., decided, that, before any proceedings were taken by the chief clerk to settle the liabilities of individual shareholders in respect of a company being wound up in chambers, the list of contributories must first be settled.

Cases at Common Law specially Interesting to Attorneys.

OBTAINING PROPERTY BY FALSE PRETENCES.—7 & 8 GEO. 4, c. 29, s. 53.

Reg. v. Danger, 5 W. R., C. C. R., 738.

The law as to obtaining property by "false pretences" continues to give rise to questions of intricacy. A few weeks ago* we had occasion, in another part of this Journal, to make some remarks on the case of *Reg. v. Bryon*, in which a conviction under 7 & 8 Geo. 4, c. 29, s. 53, was quashed. There, it will be remembered, the prisoner had obtained money by pretending that certain spoons he offered in pledge were equal in quality of plating to those made by Elkington & Co., whereas he knew they were of inferior quality; and the majority of the judges held, that a mere misrepresentation of the quality of an article on which money was obtained was not within the statute. In the present case the prisoner, Danger, was indicted under the same section for obtaining a "valuable security" by false pretences; and it appeared that the prisoner had pretended falsely to the prosecutor that he, the prisoner, had at his disposal, for sale, some leather; and that the prosecutor, relying on such assurance, agreed to buy such leather from him, and to accept a bill of exchange drawn by the prisoner, and payable to his order, for the amount of the purchase money. It was objected for the prisoner that no "valuable security" within the meaning of the Act had been obtained by the prisoner from the prosecutor; for that, until the acceptance by the prosecutor, the property in the bill of exchange was in the prisoner, and that the prosecutor acquired no property therein by writing his name as acceptor—the chattel obtained was the chattel of the prisoner himself; all that was obtained was evidence of a promise on the part of the prosecutor to pay. On the other side, it was urged for the Crown, that a person stealing his own goods may be indicted for larceny; and that there was, moreover, nothing in the Act to show that the security must belong to some person other than him by whom it was obtained. The opinion of the Court,

however, was again in favour of the prisoner. They held, that, to support an indictment under this provision, it is essential to show that the document was a valuable security while in the hands of the prosecutor; but while it was in the hands of the prosecutor it was—not having been indorsed by the prisoner—of no value to the prosecutor, nor to any one else, unless to the prisoner himself. "In obtaining it," said the Court, "the prisoner was guilty of a gross fraud, but, we think, not of a fraud contemplated by this Act of Parliament." The conviction was quashed.

ATTORNEY AND CLIENT—LIABILITY FOR EXPENSES OF WITNESSES.

Lee v. Everest, 5 W. R., Exch., 759.

This is a very satisfactory decision. The only thing of which we have to complain is, that such a sensible limitation of the liability of attorneys should ever have required to be judicially determined. The case arose thus:—The defendant was attorney to the parish officers at Epsom, and certain poor-rates assessed on property within that parish were appealed against. The assessments in question had been made by one P., a surveyor; and the defendant, as the attorney for the parish, and in order to provide evidence in support of the rate at the ensuing sessions, wrote to P., requesting him to secure the services of an experienced valuer, to justify the assessment. The valuer selected by P. was the plaintiff in the present action, and he proceeded to make a survey and report of the premises in question, and incurred considerable expense in order to qualify himself to give the evidence he afterwards tendered at the hearing of the appeals. At the trial, a verdict for the plaintiff was entered for the amount claimed; but leave was reserved to move to enter a nonsuit if the Court should be of opinion, on the above facts, that the defendant was not responsible. It was now urged, on behalf of the plaintiff, that the attorney was liable personally, the charges and expenses having been incurred by the plaintiff at his request. And those decisions were relied upon, which determined that the attorney and not the client is liable to any bailiff employed by the former to execute a writ issued on behalf of the latter—viz. *Maile v. Mann* (2 Exch. 603), and, more recently, *Brewer v. Jones* (10 Exch. 655). On the other hand, it was urged for the defendant, that it had been decided by *Robins v. Bridge* (3 M. & W. 114) that an attorney is not personally liable to a witness whom he subpoenas, for the expenses of his attendance to give evidence; and that there was no sound distinction between the case of a witness who was already qualified, and one who had first to qualify himself. To this reasoning the Court assented. "It is a clear rule," said the Chief Baron, "that where a person is presumably acting as agent for another, the principal is bound, and not the agent." In this case the defendant had had no communication with the plaintiff except in the character of attorney to the parish officers; against whom, indeed, the plaintiff had, in the first instance, made his claim. The engagement of a witness to give evidence is not with the attorney but with the client, by whom alone an action can be brought for any breach of duty committed by the witness.

We may add to the observations of the Court, that, in the case of the *bailiff*, the only privity of contract which exists is between him and the attorney, which distinguishes it completely from the present action. We may also refer to the case of *Mayberry v. Mansfield* (9 Q. B. 754), by which it was determined that an attorney is not liable to be sued by the *sheriff* for his fees in executing a writ, in the absence of any special circumstances showing that he intended to make himself personally liable; though the sheriff has, by statute, a right to recover such fees from the client.

MAGISTRATE, ACTION AGAINST—WHEN IT LIES.

Gelen v. Hall, 5 W. R., Exch., 757.

This was an action brought against a magistrate for having assaulted and falsely imprisoned the plaintiff, and for having convicted him "wrongfully, wilfully, and maliciously, and without reasonable or probable cause," of a breach of a bye-law of a railway company, whereby he was compelled to pay a sum of money; but which conviction was afterwards quashed on appeal to the Quarter Sessions. It appeared that the plaintiff had been, in the first instance, charged with travelling on the railway with an expired ticket, and pending the hearing of the charge had been committed by the defendant for safe custody to the House of Correction. Before, however, the case came on, it was found out that the ticket in question had been accidentally mislaid by the company, whereupon he was discharged from custody,

but was served with a summons to appear to answer the charge of having refused to give up his ticket on demand, there having been some delay in his doing so when asked on his journey to produce it. At the trial, the jury, under the direction of Lord Campbell, found for the defendant on the count for false imprisonment, with leave to the plaintiff to enter a verdict of £20 damages. As to the count for the improper conviction, the plaintiff had a verdict with considerable damages. A rule was obtained on behalf of the plaintiff to enter the verdict for him on the first count; and another, on behalf of the defendant, to set aside the verdict on the second count, and to arrest the judgment. These rules came on to be argued together; and the Court held, in the first place, that the defendant was entitled to retain his verdict on the first count, because he was justified in point of law, by 11 & 12 Vict. c. 43, s. 16, in committing the defendant to the House of Correction for the time that should elapse before the hearing of the charge. The Court also held that the rule for setting aside the verdict obtained by the plaintiff must be made absolute; not with reference to the question as to whether any action lay against the magistrate (with regard to which they declined for the present to pronounce any opinion), but because, after perusing the evidence which had been offered at the trial, they thought it was proper that the case should be submitted to a second jury.

As to the question whether any action at all lay against the magistrate, it is to be remembered, that, at common law, a justice, whose conviction was quashed from any defect, was liable for anything done under it, just as any other person by whose authority a writ is issued which is afterwards set aside. It was in order to protect magistrates in the execution of their duties that it was provided by 11 & 12 Vict. c. 44, s. 1, that, in the declaration of every action brought against a justice for any act done by him in the execution of his duty as such justice, and with respect to a matter within his jurisdiction as such, it must be expressly alleged that the act was done maliciously, and without reasonable and probable cause; and that, if such allegation be not proved at the trial, the defendant shall have a verdict. On the other hand, with regard to judges of the superior and other courts of record, the rule seems to be, that no action will in general lie for acts done in the execution of their office. In case of corruption, the remedy is not by action at the suit of the party injured, but by way of criminal information. Yet it has been held, that even a judge of record may be sued for an act done by his command, where he has no jurisdiction, and is not misinformed as to the facts on which his jurisdiction depends. (See *Houlden v. Smith*, 14 Q. B. 841).

PERSONAL LIABILITY OF DIRECTORS ON PROMISSORY NOTES.

Lindus v. Melrose, 5 W. R., Exch., 758.

This was an action against three of the directors and the secretary of a joint-stock company "limited," registered under 19 & 20 Vict. c. 157, on a promissory note signed by them. It appeared from the note that it was for a sum of money "for value received in stock" on account of the company. It was held by the Court, that the note ought to be construed as if the words between inverted commas had been in a parenthesis, and then it would appear that the parties against whom the action had been brought had signed the note on account or on behalf of the company only, and not intending to bind themselves personally; for otherwise the same instrument would show on its face that the consideration for it was received by one party, and the promise made by another.

It is somewhat singular that neither in the argument nor the judgment of this case was any allusion made to that of *Aggs v. Nicholson* (1 H. & N. 165), and yet it is much in point. There a promissory note was signed by two directors of a joint-stock company, and it appeared by the note itself that the promise was made by the directors so signing "by and on behalf of the society; value received." Here, also, it was held that the note was binding on the company, and not on the directors who signed it personally.

Professional Intelligence.

METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

A Special Meeting of the Managing Committee was held on the 17th instant.

A deputation from the Manchester Law Society attended to make arrangements with the Committee with reference to the Annual Provincial Meeting of the Association, and it was re-

solved that the meeting should be held at Manchester on the 7th, 8th, and 9th of October next, the opinion generally expressed at the meeting at Liverpool last year being, that the most convenient time for assembling would be during the first whole week in October.

The Secretary and Assistant-Secretary were instructed to co-operate with Mr. Marriott, the Honorary Secretary to the Manchester Law Society, in securing the attendance of members and the reading of papers, and generally in carrying out such measures as the Manchester Law Society might deem expedient to promote the success of the meeting.

The Secretary reported that in accordance with the resolution passed at the previous meeting, a third letter had been sent to the editor of the *Law Times* on the 15th instant, asking for the names of the two members of the Society whom he wished to place upon the Committee of Investigation proposed by himself, and that no reply had been received.

The Assistant-Secretary reported that the petition of the Association for the amendment of the "Married Women's Reversionary Interest Bill" had been presented, through Lord St. Leonards, to the House of Lords.

The Assistant-Secretary also reported an interview with the Solicitor-General on amendments in the Attorneys and Solicitors' Colonial Courts Bill," and the "Summary Jurisdiction of Justices of the Peace Bill," to which the Committee had called attention; and that the Solicitor-General informed him they had been considered with a desire to meet the wishes of the Committee.

The Committee discussed the proposed new clauses in the Probates and Letters of Administration Bill, excepting from the jurisdiction of district offices cases in which property may have consisted wholly or in part of money in the public funds, or of shares in public companies, and the reasons assigned for the necessity of such clauses.

The consideration of the other business on the Agenda List was postponed.

Correspondence.

DUBLIN.—(From our own Correspondent.)

END OF THE COLCLOUGH WILL CASE.

The final ending of the long-litigated case of *Boysse v. Rossborough* may, under all the circumstances, be considered a fair compromise for both of the hostile parties. The terms, as agreed on last week, down at the Wexford assizes, are as follows:—Rossborough and wife, the defendants, are to remain in the undisturbed possession of the Tintern Abbey estates—which are valued at between eight and nine thousand a year—subject only to Mrs. Boysse's jointure of five hundred per annum; while Mrs. Boysse is to retain all the rents and profits received by her while in possession of the estates, and part of which, about £22,000, is lodged in the Court of Chancery. Thus suddenly terminates this great trial, in which six leading counsel were engaged on special retainers. The merits of the case have so frequently been discussed in courts of justice and by the public press during several years back, that it is needless to recur to the subject, especially as all litigation is now at an end. Some idea may be formed of the strong feeling which prevailed in the county of Wexford against the plaintiff, when it is recollected that in the House of Lords a very decided opinion was expressed in her favour, and that, notwithstanding this, the jury were found to be so manifestly leaning against her, that she was advised to compromise. In fact, when the application to change the venue to another county was refused by the Lord Chancellor of Ireland, those who were best acquainted with the subject looked upon the case as virtually decided against Mrs. Boysse, being aware of her unpopularity in Wexford, and of the prevalent feeling throughout that county in favour of the Rossboroughs. On one account, the compromise is most unsatisfactory. It leaves the vexed question of "undue influence" just where it was. The plaintiff is in this false position—that, after Lord Cranworth, in delivering the judgment of the House of Lords, has decided that the facts did not disclose undue influence exercised over the testator, Colclough, still the plaintiff, by submitting to a verdict, in effect admits that the will was not duly executed by the testator. But this is another instance to be adduced to show that personal considerations have more weight with a jury than the abstract justice of the matter.

DECREASE OF CRIME IN IRELAND.*

Never was it so plain that crime goes hand in hand with poverty. From 1847 to 1849, Ireland was at its lowest ebb. The effects of the famine were yet severely felt by all classes of the community; wages were very low, and employment was very scarce. At that period, it will be remembered, that disaffection prevailed to a great extent among the poorer classes, and to no trifling extent among the middle classes. These causes acted and reacted on one another; and between starvation and sedition, the island and its inhabitants were in a state which excited the utmost alarm at the head-quarters of Government. Treason, Felony Acts, Arms Acts, and other ingenious approximations to military law, were resorted to largely: so little was the source and origin of the disease understood in England.

Since that time, however, the aspect of affairs is wholly changed. From a state of general bankruptcy and wretchedness, Ireland has emerged into prosperity and incipient wealth. The land has been transferred from the hands of Chancery receivers into those of solvent and improving proprietors. Political agitation is absolutely unheard of in any part of the country. Now that peace and prosperity prevail everywhere, it will be worth while to turn to the criminal records, and mark the corresponding diminution in the number of the inhabitants of our gaols and penitentiaries.

In 1849, the number of persons committed for trial at the various assizes and quarter sessions amounted to nearly 42,000. In 1856, the number of committals had diminished 5-6ths; only 7,100 persons being committed in the latter year. This improvement in the national morality was not sudden; it was, like the general prosperity, progressive. On the 1st of January, 1850, 11,000 prisoners were confined in the different gaols; the year after, the number fell to 10,000; and it steadily diminished in 1852 and 1853. In 1854, the number of prisoners was only 5,755; in 1855, it had further diminished to 5,080; in 1856, 3,561 prisoners were found; and on the first day of the present year no more than 3,419 persons were, throughout Ireland, in the custody of the law.

Under these circumstances, the judges have had an easy time of it this summer circuit. The lists of prisoners were so scanty as to call for general congratulations between Bench and jury-box. So many gifts of white gloves by high sheriffs were never before recorded. The truth is, that the Irish sheriff is not naturally an ill-disposed or a vicious specimen of humanity. He violates the law when poverty harasses him; he attends a seditious meeting when no more useful employment presents itself; but when work and wages are to be had, he constantly manifests a preference for honest labour. This is happily the case now; and, with the exception of some little excitement in the West, arising out of contested elections, and in the North, caused by foolish reminiscences of the Boyne, the guardians of the Queen's peace have, throughout the country, all but a sinecure. Long may the presentation of kid gloves continue to be a prominent duty of the shrievalty.

EDINBURGH.—(From our own Correspondent.)

Mr. Craufurd's announcement of his intention to withdraw his Judgments Execution Bill has not been received with much surprise in Scotland, and perhaps with little regret. The Bill, when first introduced, was received here with much distrust, for several reasons. Mr. Craufurd himself was not personally popular; although a Scotch member, he was an English lawyer, and Scotch lawyers are naturally jealous of any interference with their law from such a quarter; and lastly, the Bill proposed to overturn legal principles which had been received as axioms from time immemorial. It was not, therefore, surprising that old men shook their heads. But these feelings were gradually dying away, and the Bill, if not welcomed, would, at all events, have been calmly submitted to, but for the mutilations which it suffered in consequence of the unfair and unreasonable attacks made through it upon the law of Scotland. That Mr. Craufurd did his best to maintain his Bill is universally admitted; and the perseverance with which he fought it forward against the formidable and factious opposition arrayed against it, has gained him much sympathy and many admirers, who might, in other circumstances, have proved unfriendly. But it was plain, in the course of the debate, that his knowledge of Scotch law did not enable him to meet the objections to his Bill, which were founded on the law of Scotland; and he was, therefore, obliged to submit to amendments which put Scotch decrees in a worse position than either

* "Report of Inspectors General of Irish Prisons;" *Freeman's Journal*, of 20th instant.

English or Irish decrees—amendments, too, which went far beyond what was necessary to meet anything that was reasonable in the objections on which they were founded. If Mr. Craufurd had had sufficient knowledge of Scotch law, he might have so modified his Bill as to make it a complete answer to such cavillers, and increased very greatly the number of his supporters in Scotland. Of course, it was the business of the Lord Advocate, if Mr. Craufurd had the support of Government, as he was understood to have, to answer the objections referred to, and to propose a remedy to the extent to which these objections might be supported on reasonable principles; but as his Lordship satisfied himself with panegyricising Scotch law generally, and recommending English and Irish lawyers to study it, it must be supposed that he was afraid to go very deep into legal principles, or too much occupied with his own crude schemes, to help Mr. Craufurd to elaborate his one, or, which is the common belief, that the support of the Government was more nominal than real. Mr. Craufurd has intimated his intention of bringing forward his Bill again next session; and as he must be well aware that nothing that is wished to be done is so certainly done as when we do it ourselves, we would recommend him to study for himself the extent of jurisdiction claimed by the Scotch courts, and the mode in which it is exercised, and he will then be able to meet the absurdities so solemnly enunciated by some of his opponents. It is not too much to expect that a Scotch member and a lawyer should take this trouble.

The Court of Session rose on Saturday for the long vacation, which lasts till November. During this long period, there is little or no civil business done; and the consequence is, that the junior bar (their opinions not being very valuable, or, at least, not greatly sought after) are almost completely idle, for very few go circuit, and those who do look upon the whole affair more as a piece of pleasure than real work, and give it up altogether after making a few rounds. The seniors, like the other branches of the profession, must, of course remain longer at home, for whenever solicitors are at work there must be work preparing for them. Besides this, many of these seniors are engaged in the Jury Court, which is now sitting, and which continues to do so till the trials are all disposed of—a work which generally occupies ten days or a fortnight. But, after all, they have little to complain of, because, by almost universal consent, August and September are devoted to pleasure by the Edinburgh lawyers, and the busiest may be absent for weeks without calling forth any remark, perhaps without being asked for.

Englishmen have little idea of the change which vacation makes in Scotland; at least, those will have little idea who are not aware that it is the custom in Edinburgh for the whole bar, seniors and juniors, who practise, or desire to practise, their profession, whether they have work to do or not, to meet every morning during session, at nine o'clock, in their robes, under the roof which covered the old Parliament of Scotland, where they remain for two or three hours, the busy ones discussing their cases with the solicitors who employ them, and moving off to the different courts, when they recognise their names—as only a practised ear could do—in the dreadful jargon which every minute rolls along the hall, the briefless ones retailing the gossip of the town to each other, with all the emendations and additions which imagination may have suggested, and gradually dropping off to their pleasure or their studies, about twelve o'clock, after which the courts are left in the possession of those who have real work to do. Vacation rudely breaks in upon those pleasant morning meetings. There is no other place where one can be sure of meeting such an agreeable variety of friends; no place where the conversation is so sure to jump pleasantly with your own humour; no place where you pick up so much news and gossip with so little trouble; and no place where you improvise so many pleasant little parties. What wonder is it, then, that in this welcome given to the vacation, a sigh of regret should mingle.

One of your correspondents, we are happy to see, has begun a criticism on the Glasgow Poisoning Case, and he has already started two or three questions of general interest—among others, the admission of hearsay evidence, the extent of cross-examination, and the propriety of a unanimous verdict. The two first questions require a reference to the proceedings in the case; and as the authentic report by the Faculty Reporter, which is sure to be well done, and is expected to be a verbatim one, is promised in a day or two, we prefer to wait till it appears, rather than use mere newspaper reports, which can seldom be depended upon. The third question, however, is one which may be discussed altogether apart from the present case; and in regard to

it we must say that we were certainly surprised to hear it argued that unanimity obtained by imprisoning and starving the jury till it is arrived at can give any moral weight to a verdict, unless we start with this assumption—that no man ought to be found guilty unless the evidence is so clear that every jurymen must be satisfied of his guilt. We do not imagine that Englishmen wish to maintain any such proposition: they say one man on a jury has doubts—if he is left to the rest, they will convince him. But is this practically true? We think, in criminal cases, to which these observations are exclusively limited, certainly not. On the contrary, we, in Scotland, think that, in England, justice is very often defeated by demanding such unanimity. One man holds out obstinately against a conviction, all the rest think the prisoner guilty; but one man sees reason to doubt, though they see none; therefore there may be doubt, they are not to make martyrs of themselves for a mere opinion, and they accordingly bring in a unanimous verdict of not guilty. What moral weight can such a verdict have; and yet we believe such verdicts are not uncommon. We should be astonished if they were. We think that the arrangement is quite calculated to produce the result. In Scotland we believe that the natural tendency of the heart is to be merciful to a criminal, even at the expense of truth and justice, and that, therefore, no jurymen will find a prisoner guilty unless he is compelled to draw that conclusion. If eight men on a jury (the criminal jury in Scotland consists of fifteen) pronounce a panel guilty, he is sure to be so in the judgment of all reasonable and unimpassioned men, and the remaining seven are in all probability very willing to find a flaw to hang their opinions upon. We feel quite persuaded, that, in all cases involving loss of life or any serious punishment, this principle of human nature may be relied upon with the most perfect confidence.

COUNTY COURTS.—(From a Correspondent.)

The superior courts possess a great advantage over the county courts with regard to the issuing of execution against the body. In the former, you get your writ at once; but in the latter, you are obliged to take out a summons on the judgment—a proceeding nearly the same as the commencement of a new suit, and attended with the payment of fresh fees for the summons and the hearing. Sect. 101 of 9 & 10 Vict. confers on the judge the power of committing on the hearing of the cause, but the judge of this district is unwilling to exercise it, and has, on several occasions, refused to do so; leaving the plaintiff the remedy by judgment summons; and, I believe, most of the judges follow this course. Now, the great evil of the system to say nothing of the fees, is the delay in arresting a defendant, and which gives such fine opportunities to wandering scoundrels, having no fixed residence or effects, to plunder their creditors *ad libitum*; for, before the day of hearing, the defendant, of course, decamps, leaving the plaintiff the empty satisfaction of an order, and the payment of court fees.

I will now mention something worse. Having obtained a judgment against a defendant residing out of the jurisdiction, I cannot even issue the judgment summons as a matter of course, but must actually wait till the next court, and then make an application for leave. Now, as, under the new Act, the registrar has the power to grant leave to issue the *original* summons in such a case, why should he not have the same power with regard to the judgment summons?

Orders in Chancery.

July 18th, 1857.

The Right Honourable Robert Monsey, Lord Cranworth, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Honourable Sir John Romilly, Master of the Rolls, the Right Honourable Sir James Lewis Knight Bruce, and the Right Honourable Sir George James Turner, the Lords Justices of the Court of Appeal in Chancery, the Honourable the Vice-Chancellor Sir Richard Torin Kindersley, the Honourable the Vice-Chancellor Sir John Stuart, and the Honourable the Vice-Chancellor Sir William Page Wood, doth order and direct as follows:—

1. The Orders of the 11th day of April, 1842, shall be amended as to Numbers XI. and XII. in manner following (that is to say):—

XI. If any party or person who is by an order or decree made in any suit or matter ordered to pay money, or to do any other act in a limited time, shall, after due service of such order or decree, refuse or neglect to obey the same according to the

exigency thereof, the party or person prosecuting such order or decree shall, at the expiration of the time limited for the performance thereof, be entitled to a writ or writs of attachment against the disobedient party or person; and in case such party or person shall be taken or detained in custody under any such writ of attachment without obeying the same order or decree, then the party or person prosecuting the same order or decree shall, upon the sheriff's return that the party or person has been so taken or detained, be entitled to a commission of sequestration against the estate and effects of the disobedient party or person; and in case the sheriff shall make the return *non est inventus* to such writ or writs of attachment, the party or person prosecuting such order or decree shall be entitled at his option either to a commission of sequestration in the first instance, or otherwise to an order for the Serjeant-at-Arms, and to such other process as he hath hitherto been entitled to upon a return *non est inventus* made by the Commissioners named in a commission of rebellion issued for the non-performance of an order or decree.

XII. Every order or decree made in any suit or matter requiring any party or person to do an act thereby ordered, shall state the time, or the time after service, of the order or decree within which the act is to be done; and upon the copy of the order or decree which shall be served upon the party or person required to obey the same, there shall be indorsed a memorandum in the words or to the effect following—viz.:

"If you, the within-named A. B., neglect to obey this order [or decree] by the time therein limited, you will be liable to be arrested under a writ of attachment issued out of the High Court of Chancery, or by the Serjeant-at-Arms attending the same Court, and also be liable to have your estate sequestered for the purpose of compelling you to obey the same order [or decree]."

2. If it shall appear upon the return of any writ of *feri facias*, or any writ of *elegit*, issued in pursuance of the General Orders of the 10th May, 1839, that the person against whom such writ shall have been so issued, is a beneficed clerk, and has no goods or chattels, nor any lay fee in the bailiwick of the sheriff to whom such writ shall have been directed, the person to whom the sum of money or costs mentioned in such writ is or are payable, shall, immediately after such writ, with such return, shall be filed as of record, be at liberty to sue out one or more writ or writs of *feri facias de bonis ecclesiasticis*, or one or more writ or writs of *sequestrari facias*, in the form stated in the schedule hereto, or as near thereto as the circumstances of the case may allow.

3. On every such writ of *feri facias de bonis ecclesiasticis*, or writ of *sequestrari facias*, so to be issued as aforesaid, there shall be indorsed the words "By the Court," and also thereunder the calling, if any, and place of residence, if any, of the party or person against whom such writ shall be issued, and also the name and residence or place of business of the party or solicitor at whose instance the same shall be issued; and every such writ shall be also indorsed for the sum to be taken or levied, according to the form used upon like writs issuing out of the superior courts of common law.

4. Such writs, when sealed, shall be delivered to the bishop, and shall be executed by him as nearly as may be in the same manner in which he doth or ought to execute such like writs issuing out of the superior courts of common law, and such writs, when returned by the bishop, shall be delivered to the parties or solicitors by whom respectively they were sued out, and shall thereupon be filed as of record in the office of the Clerks of Records and Writs of this Court; and for the execution of such writs the bishop or his officers shall not take, or be allowed any fees other than such as are, or shall be, from time to time allowed by lawful authority for the execution of the like writs issuing out of the superior courts of common law.

5. For every such writ so to be issued in pursuance of these orders, there shall be allowed to the solicitor at whose instance any such writ shall be issued, the sum of 6s. 8d. for instructions for the said writ, and the sum of 13s. 4d. for preparing the same, and a fee of £1 shall be paid by means of a stamp for examining and stamping every such writ at the office of the Clerks of Records and Writs, and there shall be also allowed to such solicitor the further sum of 6s. 8d. for attending to lodge the same at the bishop's registry, and for attending to instruct the officer charged with the execution of such writ.

SCHEDULE.

Forms of Writs.

No. I.—*Fieri Facias de Bonis Ecclesiasticis.*

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To

the Right Reverend Father in God (John), by divine permission Lord Bishop of —, greeting. We command you that of the ecclesiastical goods of C. D., Clerk in your diocese, you cause to be made £—, which the said C. D. lately before us in our Court of Chancery, in a certain cause or certain causes [as the case may be] wherein A. B. is plaintiff and C. D. is defendant, or in a certain matter there depending, intituled, "In the matter of E. F." [as the case may be], by a Decree or Order [as the case may be] of our said Court, bearing date the — day of —, was decreed or ordered [as the case may be] to be paid by the said C. D. to the said A. B., together with interest on the said sum of £—, at the rate of £4 per centum per annum from the — day of —, and have that money, together with such interest as aforesaid, before us in our said Court, immediately after the execution hereof, to be rendered to the said A. B., for that our Sheriff of — returned to us in our said Court on — [or "at a day now past"] that the said C. D. had not any goods or chattels or any lay fee in his bailiwick whereof he could cause to be made the said £— and interest aforesaid, or any part thereof, and that the said C. D. was a beneficed clerk (to wit) rector of the rectory [or "vicar of the vicarage"] and parish church of — in the said sheriff's county and within your diocese [as in the return]; and in what manner you shall have executed this our writ make appear to us in our said Court, immediately after the execution hereof, and have you there then this writ. Witness Ourselves at Westminster, the — day of —, in the year of our Lord —.

No. II.—*Fieri Facias to the Archbishop, de Bonis Ecclesiasticis, during the vacancy of a Bishop's See.*

Victoria [&c., as in No. I.], To the Right Reverend Father in God —, by Divine Providence Archbishop of Canterbury, Primate of All England and Metropolitan, greeting. We command you, that of the ecclesiastical goods of C. D., Clerk, in the Diocese of —, which is within the province of Canterbury, as Ordinary of that Church, the Episcopal See of — now being vacant, you cause to be made [&c. Conclude as in the preceding form].

No. III.—*Writ of Sequestrari Facias.*

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To the Right Reverend Father in God (John), by Divine permission Lord Bishop of —, greeting. Whereas we lately commanded our Sheriff of —, that he should omit not by reason of any liberty of his county, but that he should enter the same, and cause to be made [if after the return to a *feri facias*] or delivered [if after the return to an *elegit*, &c., recite the former writ]. And whereupon our said Sheriff of —, on — [or "at a day past"], returned to us in our said Court of Chancery that the said C. D. was a beneficed Clerk, that is to say Rector of the Rectory [or "Vicar of the Vicarage"] and Parish Church of —, in the county of —, and which said Rectory and Parish Church were within your Diocese, and that he had not any goods or chattels, or any lay fee in his bailiwick [here follow the words of the Sheriff's return]. Therefore, we command you that you enter into the said Rectory [or "Vicarage"] and Parish Church of —, and take and sequester the same into your possession, and that you hold the same in your possession until you shall have levied the said £— and interest aforesaid of the rents, tithes, rentcharges, in lieu of tithes, oblations, obventions, fruits, issues, and profits thereof, and other ecclesiastical goods in your Diocese of and belonging to the said Rectory and Parish Church of —, and to the said C. D. as Rector thereof, to be rendered to the said A. B., and what you shall do therein make appear to us in our said Court immediately after the execution hereof; and have you there then this writ. Witness Ourselves at Westminster, the — day of —, in the year of our Lord —.

Indorse it as a Fi. Fa.: After the words "expenses of the execution," add, "and sequestration."

Signed by the Lord Chancellor and the other Equity Judges.

Parliamentary Proceedings.

HOUSE OF LORDS.

Friday, July 17.

JOINT-STOCK COMPANIES BILL.

This Bill was read a third time.—On the question that it do pass, The LORD CHANCELLOR said, that while he was opposed to giving priority to any judgment creditor against joint-stock

banks, which it was the object of this Bill to prevent, yet his attention had been called to the question of registered judgments in Ireland, which operated as mortgages on the estate, and he therefore proposed that the rights of such creditors should be preserved, unless they chose to give up their judgments, or that the mortgage should be taken in full satisfaction of their debt, so as not to enable them to compete with other creditors. He proposed, therefore, that there should be a clause inserted after the 10th clause to the effect, "that nothing in the Act should apply to or affect the rights of creditors, unless with their consent, who had obtained judgments in Ireland which had been duly registered."

The Earl of DONOUGHMORE was understood to object to the proposed clause as unsatisfactory, and also to the *ex post facto* legislation of this Bill, which naturally affected the rights of those creditors who had sought a remedy at law against the Tipperary Bank before that bank had been subjected to the operation of the Winding-up Act.

LORD STANLEY OF ALDERLEY said, that no doubt this was *ex post facto* legislation, and deprived some parties of rights which they might have acquired; but it was intended to put an end to an interminable system of litigation, and the only question now was, whether these registered judgments should have priority over others. On the face of it that was somewhat doubtful; but in consequence of the peculiar state of the law in Ireland, which made these judgments act as mortgages on an estate, it would be unjust to prevent those who had obtained these judgments from taking advantage of them; but it was also equitable and just, that, if they had this benefit, those registered judgment creditors ought not to have the advantage of the dividend which had been paid.

After a few words from the LORD CHANCELLOR and the Earl of DONOUGHMORE, the clause was agreed to and the Bill passed.

Monday, July 20.

LARCENY, &c., BILL.

This Bill, and the seven others for the consolidation of the law on Offences against the Person—Malicious Injuries to Property—Forgery—Libel—Coinage Offences—Deer, Game, and Rabbits—Accessories and Abettors, were severally read a third time and passed.

Tuesday, July 21.

TRANSFER OF LAND.

LORD ST. LEONARDS called attention to the measures proposed for facilitating the transfer of land. He believed that it would be impossible to give a common law facility to the transfer of landed property, and at the same time retain the power of creating settlements and jointures without interfering with the title to the fee simple. No other country but England possessed this facility. It had been said, that a certificate of title ought to be as negotiable as a bill of exchange. He hoped he should never see such facility for the transfer of property. If a man could carry his title-deeds in his cigar-case, no one would answer for the consequences. There was no necessity to render property so easily transferable; for if a man wanted to raise money on his property, he could do it by mortgage. After noticing the ancient modes of transfer by delivery of seisin, and otherwise, and the abuses which had thence arisen, he said that the Legislature and the judges had always shown great anxiety to protect purchasers. Formerly there used to exist several great protections against fraud; as, for instance, the power to bar a right for non-claim, and the creation of terms attendant upon the inheritance; but those safeguards had, he regretted to say, long been all swept away. The Court of Chancery had laid down a rule which was very conducive to honest dealing, but which had led to much inconvenience—he meant what was called the doctrine of notice. Where the notice was express, and to the party himself, nothing could be more proper than that doctrine; but unfortunately the courts of equity had gone much further, for they had set up a constructive or implied notice. If, for instance, he employed an attorney, believing him to be an honest man, to purchase an estate for him, and if it could be shown that that attorney had any knowledge of any incumbrance upon it, it would be inferred that the purchaser himself was also aware of it, and he might lose the estate he had just bought, and lose it without any fault of his own; indeed, it might have been utterly impossible for him to have known of the incumbrance. He thought the time had arrived when an alteration might be made in respect to that doctrine. In another respect the present practice required amendment. It was held that a *lis pendens* was notice to all the world; in other words, every pur-

chaser was presumed to know every fact in relation to the property he was buying that might have been disclosed in any suit then pending. That rule was based upon the assumption that every Englishman was bound to make himself acquainted with whatever took place in the courts of justice—a manifest impossibility. It would be a great improvement, and save an enormous expense, if matters affecting property which were disclosed in the course of suits could all be brought into one office, so that search might at once be made for them. The great expense of the transfer of land arose from the circumstance that men did not choose to depend upon anybody but their own advisers. If a man wanted to buy an estate, he insisted on having a laborious and costly investigation into the title gone through by his own solicitor, and the result advised upon by his own counsel; although the estate might have been purchased only three months before, and exactly the same process had already been gone through. One of the chief dangers to be guarded against in the purchase of real property was, lest there should be a concealed incumbrance. To avoid that, various plans had been proposed. Amongst others was a scheme for the registration of deeds. A Bill with that view had been brought in by the Lord Chancellor; but he (Lord St. Leonards), thinking that it would be mischievous, and would lead to much expense, had felt it his duty to oppose it. He had arrayed against him all the noble and learned Lords in that House, and the Bill was passed; but in the other House it was summarily rejected. The result was, the appointment of a Royal Commission, who had lately made a report, and whose labours it was intended to embody in the shape of a Bill. Nobody could read that report without being deeply impressed with the great learning, knowledge, and ability which it displayed; but he was sorry to be obliged to add that he could not in the least agree with the conclusions at which the Commissioners had arrived. Their plan was not to have a general registration—that was to say a registration of every deed and of every assurance; but they recommended what was called a registration of titles. What they proposed was, that some one should be registered who was the owner of the estate, with power to sell or mortgage it; but it would not be possible to register any estate in which a settlement had been given. The Commissioners began by making this registration voluntary; but after an estate had once got upon the register, it could never disappear from it. What was proposed was in truth that the Government should open a shop for the sale of good titles. But that could never be endured; and, therefore, notwithstanding the great authority of the Commissioners, he must give the proposal his most decided opposition. It must be obvious that a person who went to the office and asked to have his property registered would have nobody to oppose him; his application could be no more than an *ex parte* one; and yet if it was granted, the real owner of the estate might find his claim barred. By the law of England any man who had a right to any property might recover it; but, according to the Commissioners' Report, if he recovered it, he would not have it; he would only receive a money compensation. Nor was that all. The scheme contemplated in many cases that a sham owner should be registered; but this sham owner would nevertheless have an undoubted right to mortgage or sell the estate. To guard against that, it was proposed to establish a machinery of caveats or injunctions, the result of which would be to invoke the Court of Chancery on every possible occasion. In a word, while attempting to make the transfer of land as simple as that of a railway share or £50 stock, the Commissioners had run the risk of incurring the gravest possible inconveniences, and they had sacrificed altogether their Lordships' power of making settlements upon their own estates; for it was impossible to preserve the rights of property if they conveyed to any person other than the real owner the legal fee simple. There were some things involved in the Report at which it was hardly possible to repress a smile. For instance, under the new system, it would be impossible for two men to purchase an estate together. At present that was often done; and the property was conveyed to them as tenants in common; but under the proposed plan that would be impossible, unless they agreed to give the survivorship to one of them. The Lord Chancellor informed them the other evening that he was about to lay on the table a very different measure in reference to registration; and Lord Brougham had laid on the table another Bill respecting the registration of deeds. That Bill, he apprehended, would entail the necessity of maps, and it should be remembered that the maps of the Tithe Commission had already cost £2,500,000. He would now state the objects of the Bill that he intended himself to introduce, which was not a Bill for the registration of

titles, but for simplifying titles. He proposed to remove obstacles to the transfer of land; to restrict the present power of limitation; and that a purchaser's title should be indefeasible if he had been in undisturbed possession for twenty-five years; but he would not take from any man the right to recover charges on property.

The LORD CHANCELLOR said there was no one who was more entitled to call their Lordships' attention to this subject than Lord St. Leonards, who was pre-eminently conversant with all its branches. With regard to the Report of the Royal Commission, he thought there was some misunderstanding on the part of Lord St. Leonards. Their Lordships would recollect that in the year 1853, very soon after he had the honour of receiving the great seal, he laid on the table a Bill for the registration of assurances. It passed that House, and in the House of Commons was referred to a select committee, who reported, recommending that a Royal Commission should issue in reference to what they called a registration of titles, instead of title-deeds; which was issued at the end of 1853, and this year they made their Report. Before this Report was made, he had himself framed a measure which related to one of the objects of the report. At present, one of the great impediments to the transfer of land was, that no man could tell what charges there were upon it. He prepared a Bill, the provisions of which he stated, (which are given *ante*, p. 625). That was a simple measure, certainly far short of what the Commissioners had contemplated, but which he should have been prepared at the commencement of the session to lay on the table of the House, but that he did not like to do so pending the consideration as to what was to be done with that Report.

Lord CAMPBELL entered his protest against Lord St. Leonards' objection to a general registration. Instead of being a burden on land, it would be a great boon and relief, and would simplify the transfer of property almost beyond belief. Registration had proved beneficial in Scotland, in the colonies, and in every country where it had been tried; and in no one country where it had been established had it ever been abandoned.

Tuesday, July 21.

THE OATH OF ABJURATION.

Lord CAMPBELL, in pursuance of the notice which he had given, rose to put a question to the Lord Chancellor respecting the state of an appeal of *Salomons v. Miller*; and took occasion to observe, that, to his great surprise, on looking at the votes of the other House, he found a notice of motion, that, as Baron Rothschild declares that the words "on the true faith of a Christian" are not binding upon him, the House of Commons should resolve that the clerk be instructed to omit those words in administering the oath to Baron Rothschild, and that he should be permitted to take his seat in the House of Commons by a resolution of that House, in defiance of what had been done by their Lordships, and without the consent of the Crown. If such a motion should be carried, it would never come before their Lordships for discussion, but would instantly be treated by the other House as law. Instead of considering it the law, he should consider it a flagrant violation—he would use the gentlest term he could, and say it would be a *coup d'état*, such as that which had been resorted to in a neighbouring country to bring about a revolution; instead of being the law, it would be contrary to law, because it would be an attempt, by a resolution of one House, to repeal an Act of Parliament, and make laws without the consent of the other, and without the consent of the Crown. This course of proceeding was justified by the precedent in the case of Mr. Pease, who, in the year 1833, was elected for the county of Durham. He (Lord Campbell) was then a member of the House of Commons, and one of the law officers of the Crown, and took an active part in that investigation, and he could say that what was then done had not the smallest application to the case now under consideration. Mr. Pease was a Quaker. There was no question as to the manner in which the oath should be taken. He had to take no oath. The question was, whether Acts of Parliament had not passed by which Quakers were absolved from taking the oath. It was his sincere and firm conviction, that, under two Acts of Parliament passed in favour of the Quakers, they were allowed to affirm, with regard to the oath of abjuration, without swearing at all. The language of the Acts was so strong as to admit of no other construction; and because the Quakers were absolved from taking any oath, they were allowed to affirm. They were not called upon to swear at all; and on that ground alone, Mr. Pease was allowed to affirm, and he took his seat with the unanimous approbation of the House of Commons. That was not an alteration of the law by resolution of the House of Com-

mons, it was simply a declaration of the intention of the legislature. Another precedent had been referred to in a recent case in their Lordships' House. Now whether their Lordships were right or wrong in their decision, it had not the slightest application to the present case, because their Lordships were exercising a jurisdiction analogous to that exercised by the House of Commons when it decided whether a person taking his seat had been lawfully returned or not. Their Lordships did not alter the law on that occasion. They were the only tribunal by which the question could be decided. Well, then, what was to be the consequence of the course of proceeding now suggested? The judges could not stop a resolution of the House of Commons; but, if such an action were brought, I or any other judge would be bound to lay down the law as it has been declared by the Court of Exchequer, to say that the penalties had been incurred, and to direct the jury to find a verdict for the plaintiff. I see it has been proposed to vote it a breach of privilege for any one to bring an action against a member of the House of Commons who had been allowed to take his seat without swearing in the manner required by the law. In the course of his parliamentary career he had been a strong supporter of privilege, and did not in the slightest degree regret the lengths to which he went in the controversy between the House of Commons and the Court of Queen's Bench when he was a member of the House of Commons. But that was in a clear case of privilege. But to declare it to be a breach of privilege to bring an action against a member of the House of Commons who had violated the law would be absurd. The House of Commons might just as well resolve that it should be a breach of privilege to bring an action on a bill of exchange against the acceptor. If the course now proposed should be persisted in, it seemed to him that it would be something like the commencement of a revolution in this country. In any strife which might be stirred up between the courts of law and the House of Commons he should not be afraid of consequences personal to himself. He hoped, if an order should be made for sending him to Newgate or to the Tower of London, the people would rise in his defence. The House of Commons must not suppose that the people would see the judges of the land treated in such an arbitrary manner, and with so much indignity. But he was perfectly prepared for his fate if any such attempt should be made. He, however, had so much confidences in the leaders of the House of Commons that he should be very much mistaken if they took any such step. He had read in the newspapers accounts pointing out the way in which the Prime Minister was to be urged, and compelled to agree to such a resolution, but he had great confidence in the firmness of the noble lord, and believed that he would give them a very courteous but very decisive refusal, telling them that such a proceeding is contrary to the law and the constitution of this country. He had thought it his duty to inquire into the state of the appeal to which he had referred. If the judgment of the Exchequer Chamber could be reversed he should greatly rejoice, for he should be glad to see the Jews constitutionally and lawfully introduced into Parliament. He believed that no danger would arise from their admission, and hoped the time was not far distant when the reproach of their exclusion would be removed, but till then they ought to submit to the privation under which they were labouring.

The LORD-CHANCELLOR said, that *Salomons and Miller* was set down, in 1854, for hearing in May, 1855. Nothing was done in that session. In the last session an application was made by both plaintiff and defendant that the case might stand over till this session, and it was directed to stand over accordingly, as a matter of course. In June this year another application was made to adjourn the case for two months, which would postpone it till the 15th of August, and thus throw it over the session.

Lord BROUGHAM hoped and trusted the House of Commons would not attempt to carry their privilege to the extent now contemplated, from which they could not escape without such violent conflicts as disgraced our ancestors 150 years ago.

Lord CAMPBELL said, that, with reference to the explanation of the Lord Chancellor, the plaintiff and defendant appeared to have a close understanding on the matter, and whatever one suggested the other agreed to. With all respect for his friend Mr. Alderman Salomons, he must say he thought it desirable that the case should be brought to a conclusion, and a final opinion given on the judgment of the Court of Exchequer.

Thursday, July 23.

THE BANKRUPTCY LAWS.

Lord BROUGHAM said, the Bill which he proposed to introduce would deal only with one point of that law. At the be-

ginning of the present year a great conference was held on this subject, comprising legal and commercial representatives from all the large towns in the kingdom. This conference was held under the auspices of the Law Amendment Society. The conference discussed all the branches of commercial law, and many most valuable opinions were given. The result was a report, which had been presented to the Government, and which pointed out the relief they sought. Their first complaint was the great expense attending the administration of the bankrupt laws; and this every one would admit was well founded. Under 121 bankruptcies which occurred in one year, about £90,000 was collected; but the sum divided among the creditors was only £44,000 being not quite 50 per cent. of the whole. It was suggested that a portion of those expenses ought to be borne by the consolidated fund; for he objected to throwing upon suitors the whole expense of a court, and considered that the cost of an administrative establishment like the Court of Bankruptcy ought to be borne by the country at large. No less than £25,000 a year was still paid as compensation to the commissioners displaced in 1831; and all this came out of the pockets of creditors. By the Bill which he sought to introduce he would transfer this charge to the consolidated fund. The next ground for complaint was that there were unnecessary officers in the courts of bankruptcy—the messenger, the accountant, and the broker. He would retain the messengers, rendering them subject to the direction of the commissioners. Complaint was also made of the way in which official assignees were paid, by a percentage on the assets of each estate. The result was the greatest diversity in the receipts of these useful officers; in some cases they were barely sufficient to pay office expenses. One assignee had received in one year as much as £3,000 or £4,000, while the income of another had been as low as £200. He proposed that they should be paid by salaries, not to exceed a certain amount, and partly by fees. A further complaint was the irregular attendance of the commissioners; he proposed to move for a return of those attendances, and he hoped that the Lord Chancellor would by that means be enabled to enforce a more regular attendance. He found that one commissioner had held 130 sittings in the year, another 151, another 185, and a fourth 705. These last figures had given him an insight into the nature of these sittings; they only meant the number of different matters brought before the commissioners, and in point of fact this gentleman only sat on 54 days, and he had disposed of an average of thirteen cases at a time. Well might the courts present the scene which had been described to him as a scramble. Another suggestion was, to permit the estate of a deceased person, who, if he had been alive, would come under the operation of the bankrupt law, to be administered under that law. In the matter of appeal, the conference complained that it at present went from the commissioner who had heard the case—who had seen the bankrupt, who had witnessed his demeanour, before whom the evidence had been given—to the Lords Commissioners, who knew nothing about the case. Now in respect to questions of dry law there could be no doubt as to the propriety of giving an appeal; but with regard to the power of granting a certificate he thought the objection of the conference was well founded.

The LORD CHANCELLOR said, there was one question which it would undoubtedly be desirable to sift to the bottom—the cost of administering the estates of insolvent persons. Unfortunately, that expense had always been so large in comparison to the assets, that a disposition had always been shown to withdraw cases from the court and to arrange them privately. He had moved for a return (which, though on the table of the House, had not yet been printed) from which he saw his way to some diminution of the expenses incurred under the present system. Messengers in bankruptcy, as they were called, were no doubt persons in whom considerable trust was reposed; but still he did not think it fitting that they should be allowed to receive half as much again as the county court judges. There were cases in which these messengers actually received as much as £1,600 or £1,700 a-year. That was an abuse with which it was in his power to deal as soon as he had had some communication with the Lords Justices, and it must, and should, be remedied; as to the mode of remunerating the official assignees, he was afraid that to adopt any other method than a payment by a per-centage would only tend to diminish the amount of the assets realised. He certainly hoped that some plan might be devised to lessen the terrible disparity between the sum realised and that distributed; and the subject should have his best attention. With regard to the Commissioners, he had only to say, that in the single instance in which a complaint had been made to him, he had taken immediate steps to prevent a re-

currence of the conduct complained of. No doubt the Commissioners had very little work to do, but that was owing solely to the fact that the staff was too large, which would be reduced to four on the next vacancy. He certainly could not concur in the suggestion of his noble friend, with regard to appeals. When he considered the important results of refusing a certificate, he thought it ought not to be entrusted to any single judge, unless his decision was liable to be reviewed by a superior court. Lord Brougham was moreover quite in error, when he supposed that the Lords' Justices were obliged to adjudicate in cases without seeing the bankrupt or the witnesses. When he was a Lord Justice, the attendance of both had been more than once required.

LORD BROUGHAM said, that nothing so bad as our old bankruptcy system had ever before existed in a civilised nation. Upwards of £2,000,000 were in the hands of the Seventy Commissioners—the Septuagint as they were called—which ought to have been distributed ten, fifteen, or even twenty years before; and certain banks had made a profit of £5,000 or £6,000 a year by the sums deposited with them on the account of those Commissioners. He was very far from feeling discouragement—certainly he felt no shame that after twenty-five years' experience there were still things that required amendment.

The Bill was then read a first time.

HOUSE OF COMMONS.

Monday, July 20.

PROBATE AND LETTERS OF ADMINISTRATION BILL.

The committee on this Bill was resumed for the purpose of inserting new clauses.

The ATTORNEY-GENERAL proposed four new clauses, the first providing that the Court of Probate may cause questions of fact to be tried by a jury before itself, or direct an issue to a court of law; the second defining the powers of the court for the trial of questions by a jury; the third providing that the question shall be reduced into writing, and that the judge shall have the same authority as a judge at *Nisi Prius*; and the fourth enabling the court to direct issues to try any fact.

The clauses were agreed to, and added to the Bill.

The ATTORNEY-GENERAL said, he had two clauses to propose which would come in after clause 41. With regard to property locally situated in any district or districts, no matter what the amount, the probate granted by the district registrar will be sufficient for all purposes of administration; but when it becomes necessary to produce the probate in London, for the transfer of funded property, Bank or East India Stock, or share property in any railway or other joint-stock company having its head office in London, it will be requisite under this new clause that the probate granted by the district registrar shall be countersealed by the metropolitan Court of Probate. In the event of the joint-stock company not having its head office in London, it will not be necessary that this second form should be gone through.

On the motion that the first of these clauses be read a second time—Sir J. TROLOPE said he was willing that the metropolitan seal should be affixed to all probates relating to Bank of England securities; but it should be done through the means of a simple certificate, to be issued to the district registrar. He was not aware of any instance where fraud had been practised upon the Bank of England under a will proved in the provinces. The only will forgeries of that nature, that he was aware of, were those of the Fletchers; but they were concocted in London, not in the provinces. He could not, however, conceive the necessity for applying the same precaution to every species of share property to be transferred in London. There was scarcely a small tradesman or farmer in the country who did not hold a share in some joint-stock company or other; why should his will be proved in London when it could be done just as well near the home of the testator? He should, for these reasons, move the rejection of this first clause, believing that the one which Sir Fitzroy Kelly had placed on the paper would best embody the views which the House had expressed on a former occasion.

Mr. HENLEY had always protested against shares being placed in the same category as the funds. The Bank of England might desire that all their business should be done in London, but joint-stock companies did not, and that was a sufficient reason why shares should be struck out of this clause.

Mr. MALINS contended that the clause was founded neither on reason nor principle. Would anybody pretend to say that the London and North-Western required more protection than the Midland, whose transfer office was at Derby, or the North

Midland, whose transfer-office was at York? If a man possessed any amount of stock in either of these railways the country probate would be good enough; but in the case of another man who was a trifling holder of London and North-Western stock the country probate would be good for nothing. The real question was this—were the country probate courts worthy of credit; if they were, why limit the amount of property as to which they shall issue probate?

Mr. GLYN said, he could not see why the Bank of England and the East India Company should be specially protected. The joint-stock banks and private banks required protection as much as the Bank of England, if protection was to be given at all.

Mr. WIGRAM said, that the number of transfers in the Bank of England was so great that it was essential the transfer should take place under one seal. It was not as protection that he asked for the exception, but in order that the public might have full confidence in the transfers in the Bank, which was the holder of Government stock.

Mr. GLYN said that the liability fell on the Bank of England, and not on the Government, in the case of fraud, and, therefore, they were not differently situated from other banks.

Sir J. GRAHAM said he had hitherto remained silent in respect to this Bill, and he should frankly tell the reason of it. He had ventured to speak last session on this subject, but he was so sharply reprehended by the Attorney-General on that occasion, and he retained such a lively recollection of it ever since, that he thought it better to remain silent. He was of opinion that the court with whom the instrument rested should have the construction of it, and he also thought that that court should be a branch of the Court of Chancery; but the very name of the Court of Chancery seemed so objectionable, that he was in a small minority on that point in the commission. He did not agree with Mr. Malins, that the limitation of country probate to £1,500 was a question of principle. If he were allowed to open the secrets of the prison-house, he might inform the committee that the limitation of £1,500 was like nine-tenths of the things of this world—a compromise. It was not at all a question of principle. With regard to the present clause, as he understood it, it was this, that if a man had £1,000 in a country bank, and £200 Consols, he could get probate in the country for the £1,000, but not for the smaller sum, without coming to the court in London. Why was this distinction made? He believed that probate in the common form was a very simple thing, and it was evident, from the statement read the other evening by Mr. Westhead, that country probate might be safely allowed to an unlimited amount. This clause and the question of compensation to the London proctors were, he believed, the only difficulties in the way of this Bill passing. Therefore, he would say, pass the Bill in that form which upon the whole you think most conducive to the interests of the public, and do not hesitate to act not only fairly, but even liberally, on the question of compensation.

Sir F. KELLY said the question they were called on to consider was not whether the Bank of England stood upon special grounds of its own, but whether the power which was conferred on the country registrars should cease in respect to any property a portion of which was proved at any time to consist of Government stock. It should always be borne in mind, that what they had mainly to consider was the case of ordinary probate, and not the case of contentious probates. The statement read the other evening by Mr. Westhead showed that the country registrars dealt with property amounting to thousands without a single charge of fraud being brought against any one of them. He suggested to the Attorney-General that he should withdraw the clause, and give effect to the clauses which were agreed to by a committee of the House in respect to the country registrars. With regard to the Bank of England, it was well known that they were bound to act under certain Acts of Parliament, and that this created a distinction between it and any other depository.

The ATTORNEY-GENERAL said it would be in the recollection of many members of the committee, that, in the Bill which he himself introduced last session, he did not impose any limitation on the district registration, though at the same time he sought to combine that principle with the principle of unity, by requiring that the papers in the country should be transmitted to a metropolitan office, which it would only require a few hours to do, even from the remotest parts of the country. In the Bill of last session, and of the preceding session, he proceeded on that principle. He proposed to abolish the distinction in favour of the London proctors, and to enlarge the court, so that all solicitors should practise in it. He then, also, proposed to give

the London proctors that compensation which they then rejected, but which, it appeared, they were now, through Mr. Malins, most desirous to have. What did Sir J. Trollope and Mr. Malins then say? They said, "Don't give us a Bill framed on your own principle, but a Bill framed on the Report of the Commissioners, and we will support it. Unfortunately he trusted to that assurance, and brought in a Bill framed on the Report of the Commissioners. But, to his surprise, Sir J. Trollope now turned round and said, "There is no principle in your limitation of £1,500;" whilst Mr. Malins said, that, in giving up the limitation of £1,500, they abandoned the whole principle of the measure. Now his argument showed that the limitation was undoubtedly not a principle, but was rather a sacrifice of principle, in order to obtain what was imagined would be a greater public benefit, and therefore it was that the compromise was made. The Bill was drawn to carry out that compromise; and when he was pressed to justify the limitation, he had frankly stated that his opinion was then, as it was now, in favour of a different rule. Lord Palmerston, seeing this, yielded to what seemed to be the general feeling of the committee. Mr. Westhead had given them instances in which property to a very large amount had been proved in the Metropolitan Court of York, and in the Diocesan Court of Chester. But those were not fair examples to quote. The Metropolitan Court of York had always had most experienced officers; it had an array of proctors and advocates, and there had likewise always been men of great experience at Chester. He did not wonder, then, that wills to a great amount had been proved in that court. But what were they now about to do? They were about to set up forty offices throughout the country in which wills passing any amount of property might be conclusively proved. Now, we had an extremely technical law—a law which laid down an iron rule as to what should be the essential characteristics of a valid testament; and to determine whether that rule had been accurately followed would obviously require an examination conducted with considerable legal skill, great accuracy, and considerable experience. The proposition which the committee had then to determine was this—were the wills of the people of England to be submitted to a competent tribunal or an incompetent one? They must remember, that, the moment probate was granted, no inaccuracy or insufficiency of the document could be considered. Nor would the clause proposed to be brought up by Mr. Glyn meet the difficulty; for it would be no good to leave probates for examination. Sir J. Graham seemed to think that that would be a sufficient security to the Bank. But the copy of the will contained in the probate would not prevent any of the difficulties which might appear on the face of the document itself. There would appear on it no erasures, no obliterations, no interlineations, and the signature and the attestation clause would appear to authenticate every part of it. Nothing would appear on the probate inconsistent with the supposition that the original document was in conformity with all the provisions of the law. Now he had no confidence, nor would any lawyer who had examined into this subject have any confidence, that the problem would always be solved by the persons to whom it would be intrusted in these district courts; and the House might hereafter be startled by the discovery that they had removed from the people of England the protection which their property had hitherto enjoyed, and repent of what they had done. He had therefore considered that the probate of all wills ought to be in London; and in consenting to a departure from that principle he had confined it only to cases where the property was of small amount. But if the House adhered to its decision, he was undoubtedly driven to this admission—namely, that he could not point out any distinction between a will which would affect £5,000 worth of stock transferable in the country and £5,000 transferable in the metropolis. He had the other day endeavoured to draw a distinction between funded stock or share property and agricultural stock or produce. The committee did not seem disposed to adopt that distinction, and accordingly it had now been proposed that the line should be drawn between property which required an act to be done in London, and property the transfer of which might be completed in the country. That distinction could not be justified on any principle, so that when you came to a compromise a line must be drawn somewhere; and where the party must necessarily come to London no additional difficulty would be created by ordering that the original will should also be brought to the metropolis. The distinction would undoubtedly be of service, and might prove a sufficient protection; but he would leave it entirely in the hands of the committee.

Sir J. GRAHAM said, that, if he understood the Attorney-

General a right, it would be his duty to resist the further progress of a Bill the effect of which, he seemed to consider, would be to transfer important legal business from competent to incompetent tribunals. Lord Palmerston, too, who had, of course, very naturally consulted the Attorney-General, ought not to have given way, in reference to this matter, when the Bill was before the House upon a former occasion. The arguments of the Attorney-General were, in fact, conclusive against the decision arrived at on a former occasion; and he was quite at a loss to understand whether the Government intended now to press this clause, or, if they did, what course he ought to adopt. He hoped, therefore, that the Attorney-General would state distinctly whether he thought that upon the whole there would be no danger in the proposal before them, or whether he thought there would; in which latter case he thought the Attorney-General ought not to press the further progress of this Bill.

Mr. HENLEY quite agreed with Sir J. Graham, and he felt very great surprise at the language which had been held by the Attorney-General. For his own part, he thought there was no danger of the kind hinted at. There had been seventeen witnesses examined before the Commissioners, but it should be recollected that sixteen of them were proctors, and parties interested in the proving of wills in London. They might, therefore, have been certain that every one of them would be against a country probate.

Lord J. RUSSELL said he also had been somewhat embarrassed by the speech of the Attorney-General. He quite agreed that they ought, not for the sake of any London proctors, or of anybody else, to make this Bill different from what the public interests required. If the district courts were competent at all, he could not understand why they should not be able to deal with railway property registered in London, as with railway property registered at York, or any other place. The principle stated by the Attorney-General would equally apply to money in the hands of bankers; but to that he did not, it would appear, intend to apply it. He certainly thought that, as the matter stood, the Attorney-General's speech was an answer to his clause.

Lord PALMERSTON said, hon. members had asked what were the opinions of the Government with regard to the clause under discussion. As he understood the question, it lay between the clause of the Government and that of Sir F. Kelly. But upon such a question, where there were as many opinions as men, it was difficult to speak with actual exactness. In short, then, he should be willing that the country probate should extend to everything but stock in the Bank or East India Stock, which alone should require a metropolitan probate.

The ATTORNEY-GENERAL said that he should withdraw the clause, which the committee had declined, in fact, to adopt.

The ATTORNEY-GENERAL then moved the addition of a clause giving a right of appeal from the county courts to the Court of Probate; and of another, providing for Sir J. Dodson a compensation of £2,000 per annum, in case he should not hold the office of Judge of the Court of Probate.—Both clauses were agreed to.

Sir F. KELLY then moved to insert before clause 42, "that no probate or letters of administration granted by any district registrar shall be of any force or effect so far as relates to any stock transferable at the Bank of England or the East India House, unless and until the same shall have been sealed with the seal of the principal registrar of the Court of Probate in London, and such probate or letters of administration, when so sealed, shall be of the same force and effect as if originally granted by said Court of Probate; and it shall be lawful for the principal registrar of the Court of Probate, and he is hereby required, unless cause be shown to the contrary, to seal all such probates and letters of administration upon application made to him for that purpose, by or on behalf of the executor or administrator therein named." He said, unless this clause passed, the Bank might be compelled, under a genuine probate of a forged will, to transfer stock; and the object of the clause was to prevent this being done until the parties objecting to the will had time to make good their objection.

The question was put to insert the words down to "Court of Probate in London."

Mr. MALINS objected to the clause. The principle of the clause was that the country probate was not to be good for two descriptions of stock—Government stock and East India stock. Was the seal to be a mere form or a real thing? If it were form, why have it at all? If it was a matter of substance, then it was in effect requiring two probates; and was the committee prepared to require two probates?

Mr. WIGRAM said, under the new system, it would be possible that there would be two probates. A person might leave two testamentary documents—one, say, leaving the property to the widow, and the other to the son. The parties, instead of contesting which was the last will, might run a race to get probate, and they might each get probate, one in York and another in London; and thus the Bank of England would run a risk. This clause would guard the Bank against any risk of that kind, because in the metropolitan court they would not put their seal to a probate of a will proved in a country district if there had been another probate granted in the metropolitan court.

Mr. WEGUELIN thought that a distinction might be drawn in favour of the Bank of England, in consequence of the immense amount of its business. The management of the public debt involved the keeping of 250,000 accounts with people in every part of the world.

Mr. CAIRNS was not satisfied with Mr. WEGUELIN's reasons. The Bank of England wanted protection from only one danger, that of the party supposed to be dead turning up on a future day; and this clause did not give it. He did not see why the Bank of England should be protected any more than other banking establishments.

The ATTORNEY-GENERAL opposed the clause, which was negative without a division.

Mr. MALINS rose to propose his compensation clauses, but, in answer to a general call, moved that the committee should report progress, which was agreed to.

ATTORNEYS AND SOLICITORS (COLONIAL COURTS) BILL.

This Bill was read a third time, and passed.

THE DIVORCE AND MATRIMONIAL CAUSES BILL.

Lord PALMERSTON, in reply to Lord J. MANNERS, stated that this Bill would be proceeded with on Friday.

Tuesday, July 21.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

Lord PALMERSTON said that the committee on this Bill, which stood for Thursday evening, would be postponed to that day week.

COUNTY COURTS JUDGES' SALARIES BILL.

This Bill passed through committee.

Wednesday, July 22.

PUBLIC CHARITIES BILL.

The second reading of this Bill was negatived without a division.

MARRIED WOMEN BILL.

On the motion of Sir E. PERRY, this Bill was referred to a select committee.

PRIVATE BILLS.—(From a Correspondent.)

FRIDAY EVENING.

The private business, when it actually gets into the Lords, appears to shrink. In spite of threats of opposition to the last stage, promoters and opponents are mostly drawn together into an amicable settlement; the fact being, that the Lords seldom do much to disturb the legislation of the Commons, and an opposition is only waste of time and money, as a general rule. Taking all the Lords' opposed cases together, they will not, from first to last, exceed thirty, and many of these will end in nothing.

The decision of the Commons on the Mersey Conservancy Bill has attracted great attention; whispers are afloat that certain of the judges have no hesitation in saying that the measure is unconstitutional; and a division was taken on the second reading in the House of Lords, after a long debate, on the motion of Lord Derby. The great question is this—viz. If Parliament think the measure advisable, will they give in? In the case of the London and South-Western Bill, in 1855, the House of Commons inserted the penal clauses in their Bill, the effect of which was, that the dividends of the Company were to be confiscated unless that Company fulfilled a forfeited pledge. The judges did not hesitate to say that the measure was illegal; but Parliament passed it, and, in order to do so, the Lords suspended the standing orders upon which the shareholders relied for throwing out the measure. We now specially invite the attention of our readers to this Liverpool question as a measure of the power of Parliament. The effect of passing the Bill will be (as we before stated) to confiscate the revenues of one of the oldest corporations in England, amounting to £100,000 per annum. This is proposed to be done by a Private Bill. We must sit by and await the result.

In the Mid-Sussex Bill, on the petitions of a landowner and

the Arun Navigation, an attempt was made to upset the Bill, without success, on the question of the *bona fides* of the subscription contract. There were three contracts. The first was signed by two contractors and a third party for £114,500, the remarkable feature being, that one contractor signed first for £50,000, and repeated his subscription three times on the last day for depositing contracts, by power of attorney and the aid of the electric telegraph, for sums, inclusive of the first £50,000, amounting in all to £70,000. In the case of the second contract, in substitution of the first, the same contractor signed at once for the £114,000, and a second party for £500. The House of Lords, however, let the matter pass, as the contract was bolstered up by names of subscribers which were subsequently obtained in June; and the Bill passed.

A matter of greater interest, and one which demands the earnest attention of the profession, is a new practice which has crept in of introducing *quasi* Public Bills as Private Bills—Bills which are promoted by Government Commissioners and other bodies. One case, which shall be nameless, was brought to light a few days since, in which a Bill for taking property compulsorily was discovered just in time to take the sting out of it. In this Bill provisions were proposed to be inserted by which the promoters would have deprived the landowners of the most important power which the Lands Clauses Consolidation Act gives of going to a jury for compensation, and by the same Bill the power of going to arbitration under the Lands Clauses Act was proposed to be wholly repealed. The matter has been fully laid bare, and it is believed that the Chairman of the House of Lords has prepared a scheme by which these practices—the common honesty of which is questionable—will be prevented for the future. The dishonesty of the practice consists in giving the landowner an ordinary notice, and taking extraordinary powers.

ELECTION COMMITTEES.—(From a Correspondent.)

FRIDAY EVENING.

MALDON.—The Committee in this case decided, on the petition against Mr. Western, that the sitting member was duly elected. The bribery reported was somewhat novel, being, in one instance, a promise of contract work at a church; and, in another instance, a promise to supply flour under the market price to an elector. The Committee further reported that the petition against the return of Mr. Bramley Moore, the other member, was frivolous and vexatious, and in their opinion was presented for the purpose of procuring the withdrawal of the petition against Mr. Western. Treating, on the part of Mr. Western's agents, was also reported, but that gentleman was not proved to be connected with it.

FALKIRK BURGHS.—North of the Tweed the peculiarity in election proceedings seems to be, that, instead of gin and beer, whiskey is the popular drink with the free and independent electors; and, on the evidence of a waiter at one of the taverns, it was stated there was no drunkenness at Mr. Merry's inn. On cross-examination, however, it turned out that the gentlemen who partook of Mr. Merry's hospitality were so "hard headed" that they were not affected by the toddy which appears to have been liberally supplied. In spite, therefore, of the "constitutional" sobriety of the electors, the Committee were of opinion that they should not have eaten or drank at all at the expense of Mr. Merry's agents, and Mr. Merry lost his seat; but bribery was not proved against him. The Committee further reported that Mr. Merry had not complied with the provisions of the Bribery and Treating Act, inasmuch as he had not appointed an agent or auditor under the 31st section of the Act.

WEYMOUTH.—The main allegation in this case charged the sitting member, Mr. Campbell, with direct bribery in harbouring a witness named "Vile," a shoemaker, who received a cheque for £10, which he made some mistake about getting changed, and which eventually he handed back to Mr. Campbell's butler, who paid him £3 for a pair of slippers, which cost him, witness, 11. 1s. Witness, however, declared that "Mr. Campbell had a foot as big as a giant's." The Committee informed the counsel for the sitting member that they required special attention to be drawn to the above case, and also to a charge of bribery in paying £6 to an elector for arrears of a previous election account. The Committee reported bribery in the latter cases, but not in the "slipper" case, which was denied by Mr. Campbell, who was declared duly elected.

IPSWICH.—There are three petitions against Mr. Adair and Mr. Cobbold respectively, the former gentleman having the pleasure of receiving the lion's share—two having been presented against Mr. Adair. The allegations are bribery and corruption—as usual.

The Committees on the Great Yarmouth and Gloucester petition commenced their sitting to-day. The particulars shall be given next week.

Birth, Marriages, and Deaths.

BIRTH.

WILLIAMS.—On July 20, at 19 Margaret-street, Cavendish-square, the wife of Geo. H. Williams, Esq., Solicitor, of a son.

MARRIAGES.

GRAYSTON—CASS.—On July 22, at Huntingdon, by the Rev. B. E. Mescalf, M.A., the Vicar, James Grayston, jun., of York, Solicitor, to Sarah Jane, eldest daughter of the late William Cass, Esq., of Huntingdon, York.

RILEY—LAURIE.—On July 23, at St. Mary's, Bryanston-square, by the Rev. S. R. Cattley, M.A., Incumbent of St. John's Church, Clapham, John Riley, Esq., of the Inner Temple, youngest son of the late John Riley, Esq., J. P., of Brislley-house, near Halifax, to Mary Margaret Elizabeth, daughter of John Laurie, Esq., M.P., of Hyde-pk.-pl.

SHEPPARD—WILLIS.—On July 18, at Christ Church, North Brixton, by the Rev. James McConnell Hussey, M.A., the Incumbent, Augustus F. Sheppard, Esq., of Rutland-house, Kingston-on-Thames, and 16 North-buildings, Finsbury-circus, London, Solicitor, son of Edmund Sheppard, Esq., Major R.A., of the same place, to Harriette Eliza, youngest daughter of William Willis, Esq., of St. Ann's-terrace, North Brixton, Surrey.

TORRY—STALMAN.—On July 23, at the district church, Sunningdale, Berks, by the Rev. T. T. Churton, assisted by the Rev. T. V. Fosbery, John Berry Torry, Esq., of Shrubshill, Sunningdale, to Maria Theresa, only daughter of Henry Stalman, of the Inner Temple, Esq., barrister-at-law.

WARNER—HERRING.—On July 23, at Hildenborough, near Tunbridge, Kent, by the Rev. Edward Vinall, George D. Warner, of Tunbridge, Solicitor, to Jane, youngest daughter of J. F. Herring, Esq., of Meopham-park, near Tunbridge.

DEATHS.

COBBY.—On July 13, at William Mockler's, Esq., 21 Harcourt-street, Dublin, Caroline Amelia, third daughter of Charles Cobby, Esq., Solicitor, Brighton.

LEWIS.—On July 15, at Frankfort-on-the-Maine, while bathing, James Graham Louissou, youngest son of J. G. Lewis, Esq., 10 Ely-place, and 53 Euston-square, in the 14th year of his age.

LOVELL.—On July 20, at Worthing, aged 16, Charles Henry, eldest son of C. H. Lovell, Esq., of Gray's Inn, and of Milner-square, Islington.

PERRY.—On July 20, Mr. John Connorton Perry, Solicitor, 181 Tooley-st., Southwark, aged 34 years.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months—

BARNES, MARY, Widow, Brompton-st., Hendon, £250 New 3 per Centa.—Claimed by ALEXANDER HAMILTON, sole executor.

BYE, JACOB, Gent, Sydenham, Kent, deceased, and ELIZABETH CATHERINE BYE, his wife, £200 Reduced.—Claimed by ELIZABETH CATHERINE ROSE, wife of James ROSE, formerly ELIZABETH CATHERINE BYE, Widow, the survivor.

DAVIS, ANTHONY, and ALEXANDER STEWART, Gents, both of Winchester-house, Broad-st., London, £41 : 19 : 10 New 3 per Centa.—Claimed by ANTHONY DAVIS, the survivor.

DAVIS, THOMAS, Esq., Lincoln's Inn-fields, and THOMAS COLEMAN WELSH, Clerk, Little Horwood, Bucks, £214 : 10 : 2 New 3 per Centa.—Claimed by THOMAS DAVIS and THOMAS COLEMAN WELSH.

JESSOFF, MARGARET BRIDGER, Spinster, Ostend, Belgium, £82 : 3 : 9 Consols.—Claimed by MARGARET BRIDGER JESSOFF.

MYERS, MICHAEL, Fishmonger, St. Peter's-alley, Cornhill, and LEAN MYERS, his wife, £29 : 12 : 4 Consols.—Claimed by MICHAEL MYERS, the survivor.

SMITH, EDMUND, Croydon-common, Surrey, and EDWARD SMITH, Chalford, Surrey, Bricklayers, £295 : 3 : 2 Reduced.—Claimed by EDMUND SMITH and EDWARD SMITH.

SETTON, Rev. CHARLES, D.D., Norwich, deceased, £30 per annum Long Annuities.—Claimed by WILLIAM SALTER MILLARD, the surviving acting executor.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere during the Week.

ASPENALL, RICHARD, JAMES BATTY, FREDERICK DEALE, WILLIAM DEAU-MONT, ALFRED BETTS, GEORGE BRETT, WILLIAM BURDETT, MICHAEL BURKE, ROBERT CAMPBELL, THOMAS CARGILL, GEORGE CARLTON, JAMES COLEMAN, JAMES COOPER, THOMAS CORRETT, WILLIAM CORNISH.—Relatives of the above to apply by letter only to "C." care of—Manière, Esq., Solicitor, 31 Bedford-row, London.

BROWN, PHILLIPS, Westbourne, Sussex.—Her first or second cousins to send in their claims to G. B. Wilks, Westbourne, her executor, within three months.

BROWN, ANDREW, Labourer, Chichester, and WILLIAM GALE, Chair-maker, Chichester.—Their children to send in their claims under the will of P. BROWN, to G. B. Wilks, Westbourne, her executor.

YATES, WILLIAM.—His next of kin living at the time of his death (which happened on July 17, 1813), or their legal personal representatives, and his widow (if living), or her legal personal representatives, to come in and make out their claims on or before, Sept. 10, at V. C. Wood's Chambers.

Money Market.

CITY, FRIDAY EVENING.

Anxious expectation of additional news from the East Indies has been the prevailing feeling in the City all the week. It is combined with an impression that the crisis is greater, and the

contest forced upon us more serious than has been generally supposed. The English Funds have receded from the advanced prices of Monday and Tuesday. The favourable impulse which certainly would have been communicated by the present prospect of harvest is nullified on the Stock Exchange, prices at the end of the week being nearly on the same level as at the beginning. Foreign Securities are flat. Money is in plentiful supply. The Chancellor of the Exchequer announces a surplus of £2,860,000, and confidence in the expectation of material improvement would be strong if anxiety as to the Eastern contest did not intervene.

From the Bank of England return for the week ending the 18th July, 1857, which we give below it appears that the amount of notes in circulation is £19,978,000, being an increase of £15,785, and the stock of bullion in both departments is £11,840,652, showing an increase of £248,492 when compared with the previous return.

Accounts from the wine growing countries are various. In France there appears to be sanguine expectation that the vintage will be abundant, and the quality good. Much is said of the benefit derived from the application of sulphur to the vines as protection from the prevailing disease. On the other hand accounts from Portugal state that, after favourable appearances for some time, suddenly and notwithstanding the application of sulphur, stems leaves and grapes became covered with the oidium, emitting a pestilential smell. Accounts from Spain are equally unfavourable. The disease is believed to be as extensively injurious as last year.

The late splendid weather has greatly influenced the balance of opinion in the corn market on the question of a fall in prices. It has been the cause of bringing forward larger supplies of grain, and has produced a powerful downward movement in each of the last two weeks in Mark Lane, and generally at the provincial markets. Intelligence now reaches us so quickly, that reports of the effect of the weather or other causes acting on the remotest markets of Europe become available here in a very short time. These reports, up to the present day, are highly favourable. In this country uncertainty will prevail during six weeks yet to come, but in many of the corn growing countries a good and abundant harvest is in great part secured.

During the course of six weeks ending the 11th July, we have experienced a steady and regular advance in the average price of many sorts of grain. The imperial average price of wheat is returned under date the 11th July, as 68s. 10d. per quarter. As this high price did not have the effect of bringing to market more than barely a hand to mouth supply, this fact affords very strong evidence that the stocks remaining in the hands of our growers are limited. Reports from abroad concur in stating that stocks are not any where large. Under these circumstances, those persons who wish to see the price of bread lower than at the present time, may reasonably come to the conclusion that, as the present high price appears to have been caused by short stores, lower prices will follow the abundance expected as the result of the present harvest. The fall in the price of wheat has amounted to about 6s. per quarter. It has not proved sufficient to induce buyers to supply themselves freely. Very little business has been transacted.

Public attention being aroused to a lively interest in Indian matters, the pecuniary support of Government is demanded—first, for a line of telegraph, and ultimately for a railway which shall connect the shores of the Mediterranean with the head of the Persian gulf; or a submarine telegraph from Suez, down the Red Sea to Aden. It has been repeatedly mentioned that a line of telegraph wires in the Valley of the Euphrates will be exposed to the uncertain action of wild tribes, who feel only in a small degree the control of their nominal sovereign at Constantinople. The line now proposed would derive a great degree of security from being under the sea, and as quick intelligence is a matter of the utmost moment, a strong reason exists for the aid of Government.

Bank of England.

AN ACCOUNT, PURSUANT TO THE ACT 7TH AND 8TH VICTORIA, C. 32, FOR THE WEEK ENDING ON SATURDAY, THE 18TH DAY OF JULY, 1857.

ISSUE DEPARTMENT.		£	
Notes issued	25,665,490	Government Debt	11,015,100
		Other Securities	3,450,900
		Gold Coin and Bullion	11,190,490
		Silver Bullion	...
	£25,665,490		£25,665,490

BANKING DEPARTMENT.

£		£	
Proprietors' Capital	14,553,000	Government Securities (incl. Dead Weight Annuity)	10,596,561
Reserve	3,499,707	Other Securities	16,183,947
Public Deposits (including Exchequer, Savings' Banks, Commissioners of National Debt, and Dividend Accounts)	3,419,956	Notes	5,637,490
Other Deposits	10,561,098	Gold and Silver Coin	650,162
Seven day & other Bills	784,319		
	£33,118,080		£33,118,080

Dated the 23rd day of July, 1857

M. MARSHALL, Chief Cashier.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	215½	214	216	216	216	215
3 per Cent. Red. Ann.	92	92½	92½	91½	91½	91½
3 per Cent. Cons. Ann.	91½	91½	92½	91½	91½	91½
New 3 per Cent. Ann.	92½	92½	92½	91½	91½	91½
New 2½ per Cent. Ann.	...	...	77	75½	...	...
5 per Cent. Annuities	...	...	...	...	...	...
Long Ann. (exp. Jan. 5, 1860)	...	...	...	2½	2½	2½
Do. 30 years (exp. Oct. 10, 1859)	...	...	...	...	...	...
Do. 30 years (exp. Jan. 5, 1860)	...	...	...	...	...	...
Do. 30 years (exp. Apr. 5, 1855)	...	18½	...	18 1-16	...	...
India Stock	217½	218	...	216½	216 14	216½
India Bonds (£1,000)	...	15s. dis.	...	20s. dis.	...	...
Do. (under £1,000)	15s. dis.	...	18s. dis.	20s. dis.	...	15s. dis.
Exch. Bills (£1,000) Mar.	4s. dis.	4s. dis.	2s. dis.	6s. dis.	7s. dis.	4s. dis.
Exch. Bills (£500) Mar.	2s. dis.	1s. dis.	1s. dis.	2s. dis.	2s. dis.	...
Exch. Bills (Small) Mar.	1s. pm.	2s. pm.	1s. dis.	...	5s. dis.	2s. dis.
Exch. Bills Advertised	...	...	...	...	...	...
Exch. Bonds, 1858, 3½ per Cent.	...	...	98½	98½	98½	...
Exch. Bonds, 1859, 3½ per Cent.	...	...	98½	98½	98½	98½

Insurance Companies.

Equity and Law	6
English and Scottish Law	44
Law Fire	42
Law Life	63
Law Reversionary Interest	19
Law Union	par
Legal and Commercial	par
Legal and General Life	par
London and Provincial	31
Medical, Legal, and General	par
Solicitors' and General	par

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bristol and Exeter	...	...	...	91½	...	...
Caledonian	76½	76	76	76½	76½	75½
Chester and Holyhead	...	...	...	37½	...	36½
East Anglian	...	...	20½	20½	20½	20½
Eastern Union A Stock	...	...	...	...	...	...
East Lancashire	...	...	...	...	...	...
Edinburgh and Glasgow	62½	...	62½	...	...	...
Edin., Perth, & Dundee	...	35	34½	34½	34½	...
Glasgow & South Western	99½	100 99½	...	99½	98½	98½
Great Northern	...	...	...	...	105	...
Gt. South & West. (Ire.)	...	...	...	...	...	63½
Great Western	63½	63½	63½	63½	63½	63½
Lancashire & Yorkshire	101	100½	100½	100½	100½	100½
Lon., Brighton, & S. Coast	112	110½	...	...	110½	...
London & North Western	103½	103½	103½	103½	103½	...
London and S. Western	100½	100½	...	100½	100½	...
Man., Shef., and Lincoln	43½	43½	...	43½	43½	43½
Midland	84	84½	84½	84	83½	84
Norfolk	...	44½	46	...	45½	64
North British	92	91½	92	92½	92½	91½
North Eastern (Berwick)	...	...	...	...	...	...
North London	...	...	...	...	...	...
Oxford, Worc. & Wolv.	35½	35½	35½	35½	34½	34½
Scottish Central	...	...	...	104½	...	...
Scot. N.E. Aberdeen Stock	...	...	...	25	...	...
Shropshire Union	49	...	...	...	...	...
South-Eastern	75	74½	75½	...	74½	...
South-Wales	...	...	...	91½	92	...

London Gazettes.

NEW MEMBER OF PARLIAMENT.

FRIDAY, JULY 24, 1857.

City of Oxford.—The Right Hon. E. Cardwell, vice Charles Nease, Esq., whose election has been declared void.

PERPETUAL COMMISSIONERS FOR TAKING ACKNOWLEDGMENTS OF MARRIED WOMEN.

TUESDAY, JULY 21, 1857.

KIRKOPF, WILLIAM, Gent., Hexham, Northumberland; for Northumberland.

STEELE, ADAM RIVERS, Gent., Lincoln's-inn-fields; for Middlesex and Westminster.—July 21.
WOOLFRIES, WILLIAM, Gent., Banwell, Somersetshire; for Somersetshire.—July 14.

FRIDAY, July 24, 1857.

COWPER, JOHN WILLIAM, Gent., Newbury, Berks; for the county of Berks.—July 14.
FOX, CHARLES JAMES, Gent., Canterbury; for the city of Canterbury and county of Kent.—July 14.
MACKESON, EDWARD, Gent., Lincoln's-inn-fields; for the city of London, county of Middlesex, and city and liberties of Westminster.—July 21.
NISON, PARIS, Gent., Essex-street, Strand; for the city of London, county of Middlesex, and city and liberties of Westminster.—July 21.

Bankrupts.

TUESDAY, July 21, 1857.

ALDEN, ROBERT FORSTER, Timman, St. Stephen's-plain, Norwich. Aug. 3, at 11, and Sept. 7, at 1; Basinghall-st. Com. Goulburn. *Off. Ass. Nicholson. Sol. Storey, 17 Featherstone-bldgs, Holborn; or Gilman & Son, Norwich. Pet. July 17.*
BAKER, CHARLES, Timber Merchant, Southampton. July 30, at 1.30, and Aug. 29, at 11.30; Basinghall-st. Com. Fane. *Off. Ass. Whitmore. Sol. Westall, 3 South-sq., Gray's-inn. Pet. July 17.*
BOWCOCK, RICHARD, Oil and Floor Cloth Manufacturer, Hulme, Manchester. Aug. 5 and 23, at 12; Manchester. *Off. Ass. Fraser. Sol. Hardman, Manchester. Pet. July 18.*
BURNETT, CHARLES PAUL, Tailor, Lincoln. Aug. 19 and Sept. 2, at 12; Town-hall, Kingston-upon-Hull. Com. Ayrton. *Off. Ass. Carrick. Sol. Chambers, Lincoln. Pet. July 14.*
COCHRAN, LORAN DE WOLF, Shipowner, South Sea House, Threadneedle-st. Aug. 3, at 1.30, and Sept. 7, at 12; Basinghall-st. Com. Goulburn. *Off. Ass. Pennell. Sol. Linklaters & Hackwood, 17 Sleaford-st. Pet. July 10.*
DERBYSHIRE, RICHARD (Wilson & Derbyshire), Provision Merchant, Liverpool. July 31 and Aug. 21, at 11; Liverpool. Com. Stevenson. *Off. Ass. Turner. Sol. Bardswell, Liverpool. Pet. July 18.*
EVERITT, EDWARD COLE, Plumber and Glazier, East Rudham, Norfolk. Aug. 4, at 12, and Sept. 7, at 1.30; Basinghall-st. Com. Goulburn. *Off. Ass. Pennell. Sol. Sole, Turner, & Turner, 68 Aldermanbury. Pet. July 16.*
FLEMING, THOMAS, Merchant, Liverpool. July 31 and Aug. 21, at 11; Liverpool. Com. Stevenson. *Off. Ass. Bird. Sol. Grocott, Liverpool. Pet. July 15.*
JORDAN, JAMES, Jun., Builder, 3 Campden-hill, Kensington. Aug. 1 and 29, at 11; Basinghall-st. Com. Fane. *Off. Ass. Whitmore. Sol. Abrahams, 4 Lincoln's-inn-fields. Pet. July 18.*
LOW, ABRAHAM, Cattle Salesman, Lower Homerton, Middlesex. July 30, at 2, and Aug. 29, at 11.30; Basinghall-st. Com. Fane. *Off. Ass. Cannan. Sol. Yette, Temple-chambers, Falcon-c, Fleet-st. Pet. July 17.*
MARSHALL, THOMAS, Boot and Shoe Maker, Hartlepool, Durham. Aug. 5, at 12, and Aug. 27, at 12.30; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison. *Off. Ass. Baker. Sol. Sudlow & Co., Bedford-row, London; or Hodge & Harle, Newcastle-upon-Tyne. Pet. July 18.*
RUST, ALFRED, Hosier, 32 Hedge-row, Islington-green. July 31, at 12, and Aug. 29, at 11; Basinghall-st. Com. Fane. *Off. Ass. Cannan. Sol. Copping, 7 Coleman-st. Pet. July 20.*
TRISTRAM, HENRY, Broker, Liverpool. July 29 and Aug. 24, at 11; Liverpool. Com. Perry. *Off. Ass. Carenova. Sol. Lowndes, Bateson, & Lowndes, Liverpool. Pet. July 15.*

FRIDAY, July 24, 1857.

BRIDGES, JOHN, Millwright, Belper, Derbyshire. Aug. 4 and Sept. 8, at 10.30; Shirehall, Nottingham. Com. Balguy. *Off. Ass. Harris. Sol. Freeth, Rawson, & Browne, Nottingham. Pet. July 13.*
BROUGHTON, JOHN STEPHENSON, Cooper, Kingston-upon-Hull. Aug. 18 and Sept. 9, at 12; Townhall, Kingston-upon-Hull. Com. Ayrton. *Off. Ass. Carrick. Sol. Phillips & Copeman, Kingston-upon-Hull. Pet. Sept. 5.*
BROWN, WILLIAM, Painter, Ramsgate, Kent. Aug. 10, at 12, and Sept. 7, at 1.30; Basinghall-st. Com. Goulburn. *Off. Ass. Nicholson. Sol. King & George, 35 King-st., Cheap-side. Pet. July 23.*
ELLIS, OWEN, Stone and Marble Mason, Liverpool. Aug. 5 and 31, at 11; Liverpool. Com. Perry. *Off. Ass. Morgan. Sol. Neal & Martin, Liverpool. Pet. July 16.*
MITCHELL, THOMAS, Coal Dealer, Preston, Lancashire. Aug. 7 and 28, at 12; Manchester. *Off. Ass. Herniman. Sol. Sale, Worthington, & Shipman, Manchester. Pet. July 10.*
MOLNEUX, SAMUEL, Mill Sawyer, Oliver's-yd., City-rd. Aug. 6, at 11, and Sept. 4, at 12; Basinghall-st. Com. Fane. *Off. Ass. Whitmore. Sol. Fryer, 69 Lincoln's-inn. Pet. July 21.*
PAPINEAU, WILLIAM (Wm. Papineau & Co.), Manufacturing Chemist, Chemical Works, Harrow-brdg., Stratford, Essex. Aug. 5, at 1, and Sept. 7, at 2; Basinghall-st. Com. Goulburn. *Off. Ass. Pennell. Sol. Mardon, Christchurch-chambers, 99 Newgate-st. Pet. July 20.*
WATSON, JOHN, Pianoforte Manufacturer, 3 Upper Bemerton-st., Caletonian-rd., Islington. Aug. 6, at 11, and Sept. 4, at 12.30; Basinghall-st. Com. Fane. *Off. Ass. Cannan. Sol. Blakeley, 63 Lincoln's-inn-fields. Pet. July 22.*
WILKINSON, SAMUEL, Transfunder, Nottingham, and late of Chesterfield, Derbyshire. Aug. 4 and Sept. 8, at 10.30; Nottingham. Com. Balguy. *Off. Ass. Harris. Sol. Ayle & Bowley & Ashwell, Nottingham. Pet. July 20.*
WILBY, ROBERT, Licensed Victualler, Mother Shipton Public House, Prince of Wales-rd., Camden Town. Aug. 5, at 2, and Sept. 7, at 12.30; Basinghall-st. Com. Goulburn. *Off. Ass. Nicholson. Sol. Batt, Dyers' Hall, City. Pet. July 20.*
WHEELDON, JOHN, Packing Case and Cabinet Manufacturer, Manchester. Aug. 4 and 28, at 25; Manchester. *Off. Ass. Pott. Sol. Bell-house & Bond, Manchester. Pet. July 16.*

MEETINGS.

TUESDAY, July 21, 1857.

BROWN, ROBERT JAMES, Timber Merchant, Sunderland. Aug. 3, at 11.30; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison. *(By adj. from June 30) Last Ex.*
DAWES, EDWARD, Licensed Victualler, Wolverhampton, Staffordshire. Aug. 13, at 12; Birmingham. Com. Balguy. *Final Div.*
DORG, WILLIAM, & JOHN SKELTON, Timber Merchants, Newcastle-upon-Tyne. Aug. 11, at 12; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison. *Div. sep. est. of J. Skelton.*

NAIRN, PHILIP, Miller and Corn Merchant, Waren Mills, Belford, Northumberland. Aug. 11, at 12; Royal-arcade, Newcastle-upon-Tyne. Com. Ellison. *First Div.*
RODGER, THOMAS, Grocer, Attercliffe-cum-Darnall, Yorkshire. Aug. 8, at 10; Council Hall, Sheffield. Com. West. *Last Ex. (heretofore adjourned sine die).*
SKINNER, JOSEPH, Auctioneer, 30 Great James-st., Bedford-rw. Aug. 1, at 11; Basinghall-st. Com. Fane. *Last Ex.*
SPATT, SAGAR HOLDEN, Sallmaker, Ansell-st., Liverpool. Aug. 13, at 11; Liverpool. Com. Stevenson. *Div.*

FRIDAY, July 24, 1857.

BETTS, JOHN, Grocer, 16 West-st., Bristol. Aug. 27, at 11; Bristol. Com. Hill. *Div.*
COOPER, JOHN MARTIN, Ship Owner, Sunderland. Aug. 3, at 11; Royal Arcade, Newcastle-upon-Tyne. Com. Ellison. *Prft. Debs.*
FELL, JAMES, Wholesale Tea Dealer, Liverpool. Aug. 4, at 11; Liverpool. Com. Petty. *Prft. Debs.*
MARRIOTT, THOMAS, Tailor, Nottingham. Aug. 11, at 10.30; Shirehall, Nottingham. Com. Balguy. *Div.*
WALKER, JOHN, & WILLIAM WALKER, Joiners, Birkenhead; also at Stourton, Quarmy. Com. Stevenson. Aug. 6, at 11; Liverpool. *Prft. Debs.*

DIVIDENDS.

TUESDAY, July 21, 1857.

ANDERTON, WILLIAM NAYLOR, Commission Agent, Kingston-upon-Hull. First, 1s. 9d. *Carriek, Quay-st. Chambers, Hull; any Thursday, 11 to 2.*
BASSNETT, JAMES, & THOMAS BASSNETT. First, 3s. 4d. joint est., and 20s. sep. est. J. Bassnett. *Morgan, 10 Cook-st., Liverpool; any Wednesday, 11 to 2.*
BUCK, PETER PETCH, Cattle Dealer, Jervaux Abbey. First, 1s. 11½d. *Hope, 5 Park-rw., Leeds; any Friday, except between Aug. 8 and Nov. 5, 11 to 1.*
BURNETT, THOMAS, Glass Bottle Manufacturer, Blaydon. First, 3½d. *Baker, Royal-arcade, Newcastle-upon-Tyne; any day before Aug. 8, or any Saturday after Oct. 3, 10 to 3.*
CAVENS, GEORGE, Jeweller, Carlisle. First, 3s. 6d., on debts proved since May 6. *Baker, Royal-arcade, Newcastle-upon-Tyne; any day before Aug. 8, or any Saturday after Oct. 3, 10 to 3.*
CHARLES & FORDYCE, Paper Manufacturers, Houghton, Northumberland. Second and Final, 8½d. (in addition to 2s. 6d. previously declared). *Pober, Royal-arcade, Newcastle-upon-Tyne; any day before Aug. 8, or any Saturday after Oct. 3, 10 to 3.*
CLOUGH, NATHAN, Painter, Bradford. First, 2s. 7d. *Hope, 5 Park-rw., Leeds; any Friday, except between Aug. 8 and Nov. 5, 11 to 1.*
CRESWICK, THOMAS JOHN, Electro Plated Goods Manufacturer, Sheffield. First, 4s. *Breslin, 11 St. James's-st., Sheffield; two next Tuesdays, or any Tuesday after Oct. 5, 11 to 2.*
DAVISON, JOHN, Chain-maker, Kingston-upon-Hull. First, 1s. 7d. *Carrick, Quay-st. Chambers, Hull; any Thursday, 11 to 2.*
DORG & SKELTON, Timber Merchants, Newcastle-upon-Tyne. First, 2s. 6d. on debts proved since April 29. *Baker, Royal-arcade, Newcastle-upon-Tyne; any day before Aug. 8, or any Saturday after Oct. 3, 10 to 3.*
EDNEY & RAINS, Wholesale Druggists, Liverpool. Second, 10d. *Bird, 9 South Castle-st., Liverpool; any Monday, 11 to 2.*
FOSTER, GEORGE, & Co., Worsted Spinners, Horbury. First, 9d. *Hope, 5 Park-rw., Leeds; any Friday, except between Aug. 8 and Nov. 5, 11 to 1.*
HEATHFIELD, WILLIAM EAMES, Manufacturing Chemist, Princes-sq., Finsbury. First, 6d. sep. est. *Edwards, 1 Sambreok-c, Basinghall-st.; next Wednesday, or any Wednesday after Oct. 6, 11 to 2.*
HEWITT, GEORGE ALEXANDER, Chemist and Druggist, Derby. First, 10s. *Harris, Middle-pavement, Nottingham; the next three Mondays, 11 to 3.*
LEWIS, RALPH, Wine Merchant, Mold. First, 6s. 10d. *Bird, 9 South Castle-st., Liverpool; any Monday, 11 to 2.*
SCOTT, JAMES, Rag Merchant, Batley Carr. First, 8d. *Hope, 5 Park-rw., Leeds; any Friday, except between Aug. 8 and Nov. 5, 11 to 1.*
SKETCHLEY, SAMUEL, Scrivener, Horncastle, Lincolnshire. First, 3s. 4d. *Carrick, Quay-st. Chambers, Hull; any Thursday, 11 to 2.*
SYMES, JAMES, EDWARD BARNARD SYMES, & REUBEN RAFFER, Electro-platers, 432 Strand. Second, 2s. 6d. *Edwards, 1 Sambreok-c, Basinghall-st.; next Wednesday, or any Wednesday after Oct. 6, 11 to 2.*
WITHERS, WILLIAM SHELDOX, Miller, Mansfield, Notts. First, 3s. *Harris, Middle-pavement, Nottingham; the next three Mondays, 11 to 3.*
WRIGGLESWORTH, JOHN, Linendraper, Halifax. First, 3s. 1d. *Hope, 5 Park-rw., Leeds; any Friday, except between Aug. 8 and Nov. 5, 11 to 1.*

FRIDAY, July 24, 1857.

BAKER, WILLIAM, Clockmaker, 35 and 39 Birchall-st., Birmingham. First, 4½d. *Whitmore, 19 Upper Temple-st., Birmingham; any Friday, 11 to 3.*
COPLAND, CHARLES, & WILLIAM GEORGE BARNES (Copland, Barnes, & Co.), Provision Merchants, Botolph-cla., and of Southampton. First, 3s. *Nicholson, 24 Basinghall-st.; any Tuesday, 11 to 2.*
CRABO, SAMUEL, Grocer, Nuneaton, Warwickshire. First, 4½d. *Whitmore, 19 Upper Temple-st., Birmingham; any Friday, 11 to 3.*
GLADSTONE, MONTGOMERIE & JOSEPH CREEVEY BOND (Gladstone, Bond, & Co.), General Brokers, Manchester. Second, 3d., joint est., and first, 14s., sep. est. J. C. Bond. *Fraser, 46 George-st., Manchester; Tuesday, Aug. 4, and Tuesday, Oct. 6, or any subsequent Tuesday, 11 to 1.*
GOOLD, THOMAS, Military Ornament Manufacturer, Birmingham. First, 1s. 2½d. *Whitmore, 19 Upper Temple-st., Birmingham; any Friday, 11 to 3.*
HAWKINS, CHARLES, Camp Equipage Manufacturer, 96 Strand. Second, 1s. 1½d. *Nicholson, 24 Basinghall-st.; any Tuesday, 11 to 2.*
HOLDS, HTLA, Currier, Walsall, Staffordshire. First, 2s. 6d. *Christie, 37 Waterloo-st., Birmingham; any Thursday, 11 to 3.*
JONES, RICHARD PARRY, Scrivener, Whitchurch, Salop. First, 10s. *Christie, 37 Waterloo-st., Birmingham; any Thursday, 11 to 3.*
SPILSBURY, GEORGE, Builder, Wolverhampton. First, 2s. 5½d. *Whitmore, 19 Upper Temple-st., Birmingham; any Friday, 11 to 3.*
SUCKLING, JOSEPH, Jun., Hop and Provision Dealer, Birmingham. First, 1s. *Whitmore, 19 Upper Temple-st., Birmingham; any Friday, 11 to 3.*
TAYLOR, ALFRED, Builder, Wednesbury, Staffordshire. First, 10½d. *Whitmore, 19 Upper Temple-st., Birmingham; any Thursday, 11 to 3.*

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.

TUESDAY, July 21, 1857.

ATKINSON, ROBERT, Hairdresser, York. Aug. 11, at 12; Commercial-bldgs, Leeds.
DUNCAN, RICHARD, Wine Merchant, 43 Lime-st. Aug. 11, at 11.30; Basinghall-st.
SMITH, WILLIAM HENRY, Brickmaker, Swansea, Glamorganshire. Sept. 8, at 11; Bristol.
BAKER, BENJAMIN, Apothecary, Cardiff, Glamorganshire. Sept. 8, at 11; Bristol.
DORG, WILLIAM, & JOHN SKELTON, Timber Merchants, Newcastle-upon-Tyne. Aug. 11, at 11; Royal-arcade, Newcastle-upon-Tyne.
HUNTLEY, THOMAS, Grocer, Sunderland. Aug. 13, at 11; Royal-arcade, Newcastle-upon-Tyne.
LAWRENSON, THOMAS, Shipsmith, Liverpool. Aug. 11, at 12; Liverpool.
WILLIAMSON, GEORGE (John Williamson & Son), Woollen Manufacturer, Stair Mill, Crosthwaite, Cumberland. Aug. 14, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

FRIDAY, July 24, 1857.

BANNISTER, EDWARD, Maltster, Woodsetton, Sedgley. Aug. 14, at 10; Birmingham.
BETTS, JOHN, Grocer, 16 West-st., Bristol. Aug. 18, at 1; Bristol.
MARSHALL, JOHN, Coal Merchant, Friar-st. and Victoria-wharf, Reading. Market-pl., Wokingham, and various Railway Stations. Aug. 14, at 1.30; Basinghall-st.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, July 21, 1857.

BLIEDBERG, FREDERICK, & MARC SAKAN, Commission Merchants, Liverpool. July 13, 1st class to each.
GOBLE, JOSEPH, Miller, Shoreham. July 13, 3rd class; having been suspended for two years from day of his last examination.

FRIDAY, July 24, 1857.

ATACK, SAMUEL, Builder, Leeds. July 17, 1st class.
BRYAN, JOHN, Electro-Plater, 3 Dyers-buildings, Holborn. July 16, 2nd class.
BULMER, WILLIAM, Grocer, Bedale, Yorkshire. July 17, 3rd class.
CATT, JAMES, Hop Merchant, 69 High-street, Southwark, and of Loomplihill, Lewisham, and 2 South-st., Greenwich. July 14, 2nd class.
DENNISON, PATRICK, Grocer, Bradford, Yorkshire. July 20; 3rd class.
FIGG, JOHN, Boot and Shoe Maker, Downing-st., Farnham, Surrey. July 17; 1st class.
HUMPHREYS, GEORGE JOHN, Underwriter, Crown-ct., Old Broad-st. July 18th; 3rd class.
HUNT, JAMES, Commission Agent, 37 Corn-st., Bristol, now of 6 Noel-st., Islington. July 8; 3rd class; having been suspended for twelve months from July 5, 1856.
PARKER, GEORGE, Grocer, Leeds. July 21; 3rd class.
PEEL, WILLIAM, Blanket Manufacturer, Staincliffe, Yorkshire. July 21; 3rd class.
TASKEK WILLIAM & JOHN AUDUS, Potato Merchants, Selby, Yorkshire, and also at Hampstead-rd., Middlesex. July 17; 1st class to W. Tasker, and 3rd class to J. Audus.
WILLIS, FREDERICK THOMAS, Oil and Colourman, 171 Whitecross-st. July 17; 2nd class.

Professional Partnership Dissolved.

FRIDAY, July 24, 1857.

WORSHIP, WILLIAM, & EDMUND BURNARD SQUIRE, Attorneys and Solicitors, Great Yarmouth; by mutual consent. Debts paid and received by W. Worship. July 22.

Assignments for Benefit of Creditors.

TUESDAY, July 21, 1857.

BREWSTER, HENRY, Calico Printer, Manchester. June 26. *Trustees*, S. Symonds, Calico Printer, Manchester; J. Welch, Calico Printer, Manchester; C. F. Halle, Merchant, Manchester. *Sol.* Welsh, 16 Cooper-st., Manchester.
BRIERLEY, EDWARD, Builder, Newcastle-upon-Tyne. June 25. *Trustees*, W. Southern, Timber Merchant; R. G. Hlahom, Plumber; both of Newcastle-upon-Tyne. *Sol.* Hoyle, 30 Grey-st., Newcastle-upon-Tyne.
BROWN, WILLIAM, Coachbuilder, Preston. June 30. *Trustees*, J. H. Haddon, Banker's Clerk, Preston; J. Whitehead, Ironmonger, Preston. *Sols.* Winstanley & Charnley, Preston.
CORRIE, JOSIAH, Jeweller, Ludgate-hill. July 3. *Trustees*, G. Wheeler, Jeweller, Bartlett's-bldgs; D. Clarke, Watchmaker, 8 Goswell-rd. Indenture lies at G. Wheeler's, Bartlett's-bldgs, Holborn.
CUSSENS, GEORGE, Jeweller and Watchmaker, Whitby and Scarborough. July 6. *Trustees*, G. Carter, Factor; G. Wood, Factor; both of Birmingham. *Sol.* Reece, Truro-chambers, 104 New-st., Birmingham.
HENRY, WILLIAM ARTHUR, Engineer and General Tool Manufacturer, Sheffield. July 11. *Trustees*, J. Easterbrook, Merchant, 6 Suffolk-rd., Sheffield; J. H. Barker, Builder, Malinda-st., Sheffield. *Sols.* Fry, Smith, & Wightman, 3 Hartshill, Sheffield.
MORRIS, JOHN, Draper, Presteglen, Radnorshire. June 18. *Trustees*, R. Garland, Warehouseman, Wood-st. *Sol.* Turner, 68 Aldermanbury.
PUNNETT, DAVID, Grocer, 129 Shoreditch. July 15. *Trustees*, S. Hazzledine, Wholesale Grocer, 96 Houndditch; W. A. Stubbs, Wholesale Grocer, 4 Eastcheap. *Sol.* Godwin, 4 Essex-ct., Temple.
SCARD, Rev. THOMAS, Clerk, Dursley, Southampton. June 30. *Trustees*, T. Clark, Merchant, Bishops Waltham; H. E. Stares, Land Surveyor, Droxford. *Sol.* Gunner, Bishops Waltham.
SOTHERY, JOHN, Shoemaker, Castle Northwich, Cheshire. July 7. *Trustees*, J. Ockleston, Tanner, Wincham, Cheshire; G. Key, Ironmonger, Northwich. *Sol.* Cheshire, Northwich.
SOUTHOON, GEORGE, Grocer, Leicester. June 23. *Trustees*, A. Jones, Merchant, Liverpool; J. Batts, Grocer, Leicester. *Sols.* Stone, Paget, & Billson, Leicester.
STODEN, LEONARD, Builder, Grange-rd., Bermondsey. July 10. *Trustee*, H. Youngman, Timber Merchant, Grange-rd. *Sol.* Butler, 191 Tooley-st., London-bridge.
WARD, WILLIAM, Builder, Henfield, Sussex. July 2. *Trustees*, J. Upton, Plumber, Brighton; W. Blaber, Timber Merchant, Brighton. *Sol.* Kennett, 22 Ship-st., Brighton.

FRIDAY, July 24, 1857.

CREASER, WILLIAM, Chemist, Linton, Cambridgeshire. June 26. *Trustee*, A. Preston, Wholesale Druggist, Smithfield Bars, Middlesex. *Sol.* Jackson, Haverhill, Suffolk.

tee, A. Preston, Wholesale Druggist, Smithfield Bars, Middlesex. *Sol.* Jackson, Haverhill, Suffolk.

DAVIES, THOMAS, Blacksmith, Machen, Monmouth. June 25. *Trustees*, E. Allen, Shopkeeper, Newport, Monmouthshire; J. Bothmley, Accountant, Newport. *Sol.* Cathcart, Dock-st., Newport.

DOSKIN, JAMES, Grocer, Rothbury, Northumberland. July 14. *Trustees*, J. H. Wood, Draper, Stockton-upon-Tees, Durham; A. S. Pearson, Warehouseman, Carlisle. *Sol.* Wilkinson, Morpeth.

ELLMEK, EMMAUEL, Builder, Barrow-upon-Humber, Lincolnshire. July 14. *Trustees*, T. Cammell, Blacksmith, Barrow-upon-Humber; H. Hall, Ironmonger, Kingston-upon-Hull. *Sol.* Eaton, 25 Parliament-st., Kingston-upon-Hull.

FOWLER, JAMES BIRD, Miller, Market Rasen, Lincolnshire, and at Sheffield. July 22. *Trustees*, W. Townsend, Gent., Middle Rasen; W. Caney, Silversmith, Market Rasen. *Sols.* Rhodes & Son, Market Rasen.

HARRISON, HENRY, Milliner, Stockton, Durham. June 30. *Trustees*, A. Dinsdale, Banker, Darlington; J. W. Colching, Warehouseman, Wood-st., London; R. Milburn, Warehouseman, Newgate-st., London. *Sol.* Mardon, Christchurch-chambers, 99 Newgate-st., London.

KILLICK, JOHN EVEREST, & THOMAS WOOD, Millers, Speldhurst, Kent. July 10. *Trustees*, E. Churchill, Corn Merchant, Tonbridge Wells; H. Hickmott, Farmer, Rotherfield, Sussex; H. Simes, Corn Merchant, Tonbridge Wells. *Sol.* Cripps, Tonbridge Wells.

RICHARDS, JOHN, Innkeeper, Burford, Oxfordshire. July 18. *Trustees*, T. Street, Auctioneer, Burford; J. Collis, Miller, Burford. *Sols.* Lee & Son, Witney.

RICHARDSON, ROBERT, Chain Cable and Anchor Manufacturer, Wapping, Middlesex; and Middlesborough, Yorkshire. July 18. *Trustee*, J. Boyd, Iron Merchant, East India-chambers, Leadenhall-st. *Sol.* Heather, Paternoster-row.

RICHARDSON, THOMAS, Innkeeper, Gateshead, Durham. July 9. *Trustee*, J. Usher, gent, Gateshead. *Sol.* Browne, 109 Pilgrim-st., Newcastle-upon-Tyne.

TOMPSETT, BENJAMIN, Grocer, Linton, Kent. July 8. *Trustees*, W. Lawrence, Provision Merchant, Maidstone; A. Tompsett, Grocer, Pembury, Kent. *Sol.* Cripps, Tonbridge Wells.

Creditors under Estates in Chancery.

TUESDAY, July 21, 1857.

DUNNING, WILLIAM (who died in Dec. 1855), Farmer, New-bldgs-farm, Sutton-on-the-Forest, Yorkshire. Creditors to come in and prove their debts on or before Nov. 2, at V. C. Stuart's Chambers.

GILSON, BENJAMIN (who died on May 28, 1856), Surgeon, Halstead, Essex. Creditors to come in and prove their claims on or before Nov. 7, at Master of the Rolls' Chambers.

NEWBERRY, FRANCIS (who died in March, 1857), Gent., Clifton, Gloucestershire. Creditors to come in and prove their debts on or before Oct. 29, at Master of the Rolls' Chambers.

POPE, ALEXANDER (who died in Jan. 1852), Florist, Handsworth, Staffordshire. Creditors or incumbrancers to come in and prove their debts or incumbrances on or before Nov. 10, at V. C. Stuart's Chambers.

SWAINE, EDWARD ROSE (who died in Nov. 1851), Esq., Herne-hill, Surrey, and Bartholomew-cloze, London. Creditors and incumbrancers to come in and prove their claims on or before Nov. 7, at Master of the Rolls' Chambers.

TENNENT, ANNE DILLON (who died in Dec. 1856), Widow, 68 Albany-st., Regent's-pk. Creditors to come in and prove their debts on or before July 31, at V. C. Wood's Chambers.

FRIDAY, July 24, 1857.

LAWRENCE, Rev. CHRISTOPHER SENIOR (who died in April, 1855), Clerk, Ash Priors, Somersetshire. Creditors to come in and prove their claims on or before Nov. 2, at Master of the Rolls' Chambers.

PALMER, THOMAS (who died in March, 1856), Gent., Harbury, Warwickshire. Creditors to come in and prove their debts on or before Nov. 11, at V. C. Stuart's Chambers.

ROTHMAN, RICHARD WILKESLEY (who died in March, 1856), Esq., Medina-pl., St. John's-wood, Middlesex. Creditors to come in and prove their debts on or before Nov. 4, at Master of the Rolls' Chambers.

STILES, WILLIAM (who died in April, 1857), Coppermith, 23 Lisle-st., Leicester-pk., Middlesex. Creditors to come in and prove their claims on or before Nov. 1, at V. C. Stuart's Chambers.

THORNTON, GODFREY (who died on March 8, 1857), Colonel in the Grenadier Guards, Moggerhanger-house, Bedfordshire. Creditors and incumbrancers to come in and prove their claims on or before Nov. 9, at V. C. Stuart's Chambers.

Winding-up of Joint Stock Companies.

TUESDAY, July 21, 1857.

NORTH TAMAR MINE COMPANY.—V. C. Kindersley purposes, on Aug. 1, at 12, at his Chambers, to make a call for 8s. per share.

TIMBER PRESERVING COMPANY.—V. C. Wood will, on Aug. 6, at 12, at his Chambers, appoint an Official Manager of this Company. Creditors to come in and prove their debts before V. C. Wood.

FRIDAY, July 24, 1857.

NORTH TAMAR MINE COMPANY.—V. C. Kindersley purposes, on Aug. 1, at 12, at his Chambers, to make a call for 8s. per share.

TIMBER PRESERVING COMPANY.—V. C. Wood will, on Aug. 6, at 12, at his Chambers, appoint an Official Manager of this Company.

Scotch Sequestrations.

TUESDAY, July 21, 1857.

CRUESHANK, JOHN, Auctioneer, Glasgow. July 24, at 2, Faculty-hall St. George's-pl., Glasgow. *Seq.* July 13.

STEPHEN, GEORGE, Stornoway, Island of Lewis, Ross-shire. July 28, at 1, Caledonian Hotel, Stornoway. *Seq.* July 16.

FRIDAY, July 24, 1857.

DOW, JOHN, Draper, Alloa. July 31, at 1, Royal Oak Hotel, Alloa. *Seq.* July 22.

DUFTON, ALEXANDER, Farmer, Cowie, Aberdeenshire. July 29, at 11, Royal Hotel, Aberdeen. *Seq.* July 20.

HEARD, WILLIAM, & THOMAS HEARD (Heard & Steel), Grocers, Larkhall. Aug. 1, at 12, Commercial Inn, Hamilton. *Seq.* July 21.

HENDERSON, JAMES, Shipowner, Dundee. July 29, at 2, British Hotel, Dundee. *Seq.* July 20.

WILKIE, JAMES, Baker, South-st., Perth. July 30, at 1, Procurators' Library, County-bldg., Perth. *Seq.* July 20.

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